

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

207

CRM-M-43651-2021

Date of Decision:17.02.2022

RAJEEV JOHAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rajiv Dhawan, Advocate for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.168 dated 05.09.2021, registered under Sections 354-A/452/506 of IPC, 1860, at Police Station City, Hoshiarpur, Annexure P-2.

FIR, Annexure P-2, has been registered on the basis of statement of Davinder Kumar on the allegation that on 26.09.2020, when he was getting his house constructed through a mason, his neighbor, Prem Lata, obstructed the construction work and her son, Rajeev Johar, present petitioner, assaulted the mason and broke glass articles. The mason ran away to save himself and the petitioner went to the roof and threw brick bats. Later he entered the house of the complainant, threatened to kill his family, hurled abuses, made obscene gestures towards his 16 years old daughter and outraged her modesty. Prem Lata entered his house and hurled abuses and now she is extending threats through her son. The incident has been recorded by the CCTV.

While granting interim protection to the petitioner, this Court passed the following order on 14.10.2021:-

*“Counsel for the petitioner prays for grant
of anticipatory bail to the petitioner by contending*

that there is history of civil litigation between the parties, who are neighbours. It is contended that by an order dated 30.09.2020, the complainant herein, who is defendant in the civil suit, had been restrained from raising any further construction in the area DACB as shown in the site plan in the suit pending before the trial Court. It is only thereafter that the instant FIR has been filed in order to harass the petitioner herein. It is argued that even the occurrence mentioned in the FIR pertain to 26.09.2020, which is more than a year ago. It is also argued that the custody of the petitioner in the instant case would not be required and he is ready to join investigation.

Notice of motion.

Ms. Rashmi Attri, AAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of the respondent- State.

Adjourned to 17.02.2022.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Upon instructions from ASI Gurdeep Singh, State counsel submits that the petitioner has joined the investigation, he is no longer required for custodial interrogation and he is not involved in any other criminal case.

In view of the said facts, the present petition is allowed and the order dated 14.10.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

17.02.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No