

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103+212

CRM-M No. 48363 of 2021(O&M)

Date of Decision:25.01.2022

SANT LAL

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kartar Singh, Advocate
for the applicant-petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Naresh Kaushik, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-1973-2022

Through this application the applicant-petitioner seeks to place on record additional facts by way of affidavit and documents, and also seeks exemption from filing certified/typed copies of Annexures P-5 to P-7.

Application is allowed as prayed for.

CRM-M No. 48363 of 2021

Through this petition the petitioner prays for grant of anticipatory bail in case FIR No.211 dated 05.10.2021 under Sections 447,

511, 451, 506, 34 IPC and Sections 380 and 457 IPC (added later on), registered at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; that the petitioner and his wife, who is an Ex. Sarpanch of Village-Lehrian, are the owners of the property in question; that the FIR is a counterblast to the suit for permanent injunction filed by the petitioner; that earlier the petitioner had approached this Court for issuance of directions to the official respondents to register an FIR against the complainant and police officials but vide order dated 04.01.2021 passed by a Co-ordinate Bench of this Court, the petitioner was relegated to avail his alternative remedy and that the serious offences of Sections 380 and 457 IPC were got added by the complainant in the FIR at a later stage with a sole motive to make the offences non-bailable.

Learned State counsel assisted with the counsel for respondent No.2/complainant while vehemently opposing the prayer for bail, submits that the complainant had purchased the house in question in the name of his wife vide agreement dated 02.04.2002; that the same was transferred in the name of the complainant vide agreement dated 01.05.2006; that the house tax for the year 2014-15 to 2017-18 has been paid by the complainant and that the address mentioned in the voter card of the complainant is also of the house in dispute. It is further submitted that the Investigating Officer, has recorded the statements of the neighbourers, the Watchman of the complainant's house and the Sarpanch of the Village under Section 161 Cr.P.C., wherein they have deposed that the house in dispute has been in the possession of the complainant since 2002.

I have heard learned counsel for the parties.

It has surfaced in the investigation that the complainant has been in possession of the house in question since 2002. Thus, merely because the petitioner has filed a suit for permanent injunction and had also earlier moved a petition before this Court for issuance of directions to register an FIR against the complainant, is no ground to grant the concession of bail to the petitioner. The custodial interrogation of the petitioner is must, in view of the nature of offences coupled with the facts and circumstances of the case.

In view of the above, present petition is dismissed.

January 25, 2022

Jyoti-IV

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned Yes/No Whether Reportable Yes/No