

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

**CRM-M-44383-2020**

**Date of decision : 22.03.2022**

**Satpal**

**.....Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**\*\*\***

Present :- Mr. Sunil Chaudhary, Advocate  
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Mr. Karan Singh, Advocate  
for the complainant.

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**RAJESH BHARDWAJ, J. (Oral)**

Petitioner has approached this Court for grant of anticipatory bail to the petitioner in case FIR No.0538 dated 23.07.2020, under Sections 147, 149, 323, 354-A, 427, 452, 506 of IPC (Sections 354-A and 452 of IPC were deleted), registered at Police Station Bhiwani Sadar, District Bhiwani, Haryana.

By virtue of interim order dated 06.01.2021, arrest of the petitioner was stayed. Thereafter, the dispute arose regarding the identity of the tractor which was used in the offence. It was alleged by the complainant that the tractor used in crime and the one which was recovered has been changed by the petitioner. On the direction of the Court, the investigating agency was directed to file the affidavit to give a specific reply to the same. The reply by way of affidavit of Dr. Hitesh Yadav, HPS, Additional Superintendent of Police, Bhiwani, Haryana, has been filed. In Para 4 of the affidavit, it has been specifically answered that the complainant filed the

complaint regarding the change of tractor used in the commission of offence as accused Satpal got recovered tractor No. HR-16H-1566 whereas, the tractor No.HR-19B-1977 was used in the commission of offence. On enquiry by DSP Bhiwani, the allegations of the complainant made in the complaint were found to be true. It is further mentioned that the departmental action was taken against the erring investigating officer and he was awarded with a punishment of stoppage of two increments with permanent effect vide order dated 15<sup>th</sup> July, 2021. As *prima facie*, the allegations of the complainant are found to be true on account of which the offence under Section 420 IPC was also added. It is further pertinent to note that the tractor recovered from the accused was also released on *superdari* by the Court. However, subsequent to that now it is revealed that the tractor produced before the Court below also was different from the one which was used in the offence which is duly established by the enquiry conducted by DSP Bhiwani.

In view of the attending facts and circumstances, I find that the petitioner do not qualify for grant of anticipatory bail by this Court by exercising the extraordinary jurisdiction under Section 438 Cr.P.C. Resultantly, the petition is being devoid of any merits is hereby dismissed.

( RAJESH BHARDWAJ )  
JUDGE

22.03.2022  
m. sharma

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |