

2023:PHHC:060055

CRM-M-4387-2023 (O&M)

..... Petitioner

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Surinder Singh Duhan, Advocate, for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana.

Mr. Rajat Sheokand, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

CRM-18848-2023

This is an application for impleading the complainant, namely,

Balwan son of Nihal Singh as respondent No.2.

For the reasons mentioned in the application, the same is allowed.

The complainant is ordered to be impleaded as respondent No.2.

The amended memo of parties annexed with the application is

CRM-18849-2023

Allowed as prayed for. Annexures C-1 to C-5 are taken on record.

Main case

The present petition has been filed under Section 438 Cr.P.C for

grant of anticipatory bail to the petitioner in FIR No.771 dated 22.06.2022

registered under Sections 406, 420, 467, 468, 471, 477 and 120-B IPC at Police

Station Sadar Hisar, District Hisar.

By virtue of the order dated 27.01.2023, while granting interim

protection, the petitioner was directed to join investigation.

It has been contended by learned counsel for the petitioner that the

petitioner has been falsely implicated in this case. He has submitted that the petitioner was ex-Sarpanch of the village and thus, at the behest of the rival parties, she has been implicated in a false case. He submits that in pursuance to the order dated 27.01.2023, the petitioner has already joined the investigation and fully cooperated. He submits that the petitioner has no criminal antecedents and thus, the interim order may kindly be made absolute.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner is in illegal occupation of the Panchayat land. He submits that the complainant is resident of the same village and has right to file the present FIR.

Learned State counsel, on instructions from ASI Dinesh Kumar, has affirmed the fact that the petitioner has joined the investigation and submitted that she is no more required for further investigation. He further submits that the Investigating Agency is in a position to conclude the investigation.

After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was ex-Sarpanch, whereas, the complainant who is the resident of the same village, has lodged the present FIR. The petitioner has joined the investigation. The case needs to be thoroughly investigated and thereafter to be tried by the learned trial Court.

In view of the above, the order dated 27.01.2023 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C. and the petition stands allowed.

27.04.2023
sharmila

(RAJESH BHARDWAJ)
JUDGE

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