

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

CRM-M-8736 of 2023

Date of Decision: February 23, 2023

Sunil and another ...Petitioners
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajesh Lamba, Advocate for the petitioners.

Mr. Randhir Singh, Addl. AG, Haryana.

Mr. Parveen Sharma, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

The two petitioners by way of this petition filed under Section 439 Cr.P.C, have prayed for grant of regular bail in case FIR No.334 dated 31.10.2022 registered under Sections 148, 149, 216, 323, 379B, 427, 436, 506, 411 IPC (Section 365 IPC deleted) at Police Station Bahalgarh, District Sonapat.

FIR was lodged on the complaint of Vikas, who along with Suman run a dhaba by the name of Shiv Shankar Dhaba. They had taken the land underneath the dhaba from one Anup of Village Chauhan Joshi. Rent agreement ended two years back. When owner asked them to vacate the land, they filed the suit which is pending. It is alleged that on 30.10.2022, Anup's son, namely, Raju, Birju (petitioner), Sunil (petitioner), Ram Niwas and Rajender came along with residents of the village and started sabotaging the dhaba with the help of JCB. They destroyed the dhaba, broken tractor trolley, refrigerator and took away ₹20,000/-, scooty, one bullet motorcycle besides other articles lying at the dhaba. Some documents lying on the counter were burnt. Suman

was pulled from dhaba and beaten up by taking her to the fields. Later on, supplementary statement was made by Suman alleging gang rape, so Section 376D IPC was added. During investigation, no theft was found to have been committed. The allegation of rape was also found to be false. However, Section 411 IPC was added. The two petitioners were arrested on 31.10.2022 and were joined in the investigation.

It is contended by the petitioners that they had been falsely implicated as the dispute of landlord and tenant has been converted into a criminal dispute to create pressure upon the petitioners to leave the land and admit the illegal possession of the complainant and Suman. There is delay of six hours in reporting the matter to the Police. It is contended by learned counsel that falsity of the allegations can be seen from the fact that allegations of rape, abduction as well as theft have been found to be false during investigation.

Petitioners are in custody since 31.10.2022 i.e. for the last more than three months. Challan has already been filed. Appeal may take time to conclude.

Having regard to the facts and circumstances of the case, but without commenting anything on the merits of the case, petition is allowed. Both the petitioners are admitted to bail on their furnishing personal bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

February 23, 2023

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(DEEPAK GUPTA)
JUDGE

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