

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-32163-2023

Date of decision: 03.10.2023

Subhash Chand

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Vikram Singh, Advocate, for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

On 13.07.2023, the following order was passed by this Court:-

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.157 dated 02.06.2023 registered under Sections 120-B, 167, 406, 420, 467, 468, 471 of the IPC, 1860 registered at Police Station Chhansa, District Faridabad.

FIR was lodged on the complaint of Mool Chand son of Shri Nanak Chand as per which his father-in-law Kaudaram was the owner in possession of the land in dispute but the same has been got transferred in their names by petitioner Subhash Chand and one Pawan Deshwal by forging the revenue record in connivance with the Patwari. It was further alleged that cutting in the revenue record is quite visible.

Contention of learned counsel for the petitioner is that petitioner became owner of the land in dispute by virtue of sale deed No.913 dated 19.01.2018 registered by his father in his name.

Learned counsel further contends that civil dispute is already

pending regarding which learned counsel for the petitioner has placed on record a copy of order dated 15.06.2022 passed by learned Civil Judge (Junior Division), Faridabad.

Learned counsel also pointed out that though the sale deed in favour of the petitioner was registered way back in the year 2018 but present FIR was lodged in the year 2023 and that petitioner is ready to join the investigation.

Notice of motion.

On asking of the Court, Mr. Randhir Singh, Addl. AG, Haryana accepts notice on behalf of respondent- State.

Learned State counsel submits that petitioner was called during enquiries but he did not produce any record.

Adjourned to 03.10.2023 for filing status report.

It is directed that in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is made clear that in case petitioner fails to co-operate in investigation, he shall face the consequences as per law.”

Today a statement is made by learned State counsel that in compliance of the order dated 13.07.2023, petitioner has since joined the investigation. However, he is not cooperating in the investigation as he has

not disclosed the name of the Patwari.

The contention of the learned counsel for the State appears to be quite strange as the Patwari is a Government Official and it is not difficult for the investigating officer to know the name of the concerned Patwari at the relevant time.

No ground for declining the relief as sought for is made out. As such the order dated 13.07.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

(DEEPAK GUPTA)
JUDGE

October 03, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No