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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

CRM M - 32782-2023
Date of decision: 13.07.2023

Baljeet

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Jitender K. Sehrawat, Advocate
for the petitioner

-.-

Rajbir Sehrawat, J. (Oral)

This is a second petition filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre arrest bail to the petitioner in case FIR No. 463 dated 10.06.2023, registered under Sections 380, 448 and 506 of the Indian Penal Code at Police Station Barwala, District Hisar, Haryana.

It is submitted by counsel for the petitioner that the case against the petitioner is false, frivolous, concocted one and has been created on account of grudge being nursed by the complainant because of the civil litigation between the parties. Not only that, even son of the complainant filed another FIR against the petitioner after three days of the present FIR. However, in that case, the petitioner has already been granted concession of anticipatory bail. Present case is only the result of consistent efforts by the complainant and his son to get the petitioner involved in a criminal case.

However, in the said civil litigation, the petitioner has even been granted the

order of status quo in his favour. Moreso, nothing is to be recovered from the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts the notice on behalf of the respondent - State.

Counsel for the State, on being instructed by ASI Darga Ram, Police Station Barwala, District Hisar, has submitted that there are direct allegation against the petitioner qua having entered on the property of the complainant. There are some other cases against the petitioner as well. However, it is not disputed that there is a civil litigation between the parties qua the house involved in the present FIR itself. It is also not disputed that in the said civil litigation, status quo has also been ordered by the civil Court regarding the house in question.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

July 13, 2023

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