

CRM-M-22486-2024
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22486-2024
Decided on: 24.05.2024

Pulkit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Suresh Kumar Kaushik, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

Mr. Abhimanu, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
55	10.04.2024	Bahu Akbarpur, District Rohtak	427 & 506 r/w 34 IPC

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 06.05.2024, petitioner was granted interim bail and the said order is continuing till date.
3. Petitioner's counsel submits that he has joined the investigation and complied with the order dated 06.05.2024. He further prays that he has no objection if this Court while granting bail imposes any stringent conditions including surrender of firearms and is also voluntarily agreeable to the condition that he will not enter in the built up property of the complainant. The petitioner contends that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State's counsel opposes the bail.
5. Facts of the case are being taken from the reply dated 24.05.2024, which reads as



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under:-

"2. That the present case registered was complaint of Satish son of Ranbi R / O Village- Mokhra Distt.-Rohtak. complainant disclosed In his complaint that he the is doing agricultural work. He had purchased the land comprised in Khewat No.22 & 23 (old number) and new khewat no.24 & 25 in the year 1991 and 2002 from Suman D / O Rameshwar and Murti D/o Rameshwar. One case is pending in the Court between him and Jaswant @ Rampartap S/o Rameshwar regarding the same land. The complainant had taken the land of Devender and Sanjeet on lease and sown the wheat crop on his land as well as on the land of Devender and Sanjeet. On 10.04.2024 in the morning, the complainant received a telephonic call from police that he had plowing the crops and a false complaint has been given by Jaswant @ Ram Partap, Deepak son of Risal and Pulkit son of Jaswant had damaged his crops and he had facing loss of Rs. 5,00,000 0 /-. The said persons had given false complaint against complainant. Before the said incident, earlier also they have destroyed their crops and a FIR had already been registered against them. The complainant came to know that they destroyed his crops by use of Tractor. Due to land dispute, they had done the said incident. On the basis of said complaint a case vide FIR No.55 dated (10/4) / 2024 U/s 427, 506, 34 IPC has been registered against the accused persons.

3. That the specific role of petitioner is that he has played in committing role active the offence. He ruined the crop of (complainant with the use of Tractor. The petitioner earlier also committed similar kind of wrongful act and a case vide FIR bearing No.223 dated 04.11.2023, under Sections 427, 506, 34 IPC was registered at police station Bahu Akbarpur, Rohtak."

6. Interim order dated 06.05.2024, is made absolute and Petition is allowed, subject to compliance of the below mentioned conditions:-

(i) Given the background of allegations against the petitioner, it becomes paramount to protect the victim, their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within fifteen days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their



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families, and society; it would also restrain the accused from influencing the witnesses and repeating the offence.

*(ii) Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the built-up property, workplace, and the residence of the victim till the recording of the statements of all non-official and informal witnesses in the trial. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrI.) 458*; and *Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230*.*

(iii) Petitioner is directed to join investigation on 28.05.2024 and after that as and when called upon to do so.

All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

24.05.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.