

2024:PHHC:080096



CRM-M-30050-2024

-2-

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State and could not convince this Court as to on what account custodial interrogation of the petitioner is required and is not in a position to averse that co-accused-Poonam Lata has already been granted concession of anticipatory bail by this Court.

Having heard learned counsel for the parties and gone through the record, it is evident that a civil suit between the complainant and the present petitioner is already pending bearing civil suit No.199 of 2023 titled as "Om Dutt versus Poonam Lata and others" for declaration of the property in question i.e. the land bearing Khasra No.309/296 Min, Khatoni No.364, Khasra No.155/3 (0-18) and comprised of Khewat No.191/181. Khatoni No.210, 211 & 212, Khasra No.16//8 min(3-16), 16//8 Min Dhakhan (3-16), 16//7/2 Min Dhakhan (3-18) village Ganguwal allegedly to be in possession of Om Dutt as Gair Marusi rights after the death of his father Ram Nath.

Having due regard to the submissions made by the learned counsel for the parties and the fact that co-accused-Poonam Lata has already been granted concession of anticipatory bail and keeping in view the nature of dispute involved in the instant FIR wherein only the documentary material is to be considered by the prosecution itself, if any at all to conclude the investigation in the instant FIR, this Court is of the considered view that custodial interrogation of the petitioner is not required at all.

2024.PHHC:080096



CRM-M-30050-2024

-3-

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

14.06.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>