



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208 CRM-M-32298-2024(O&M)
Date of Decision: 07.08.2024

SURENDER SINGH VERMA ALIAS SURENDER SONIPetitioner

VERSUS

STATE OF HARYANARespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. L.K. Gollen, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
721	30.12.2023	P.S. Model Town Rewari, District Rewari	120-B, 34, 427, 447, 454, 506 and 511 of IPC

2. Vide order dated 09.07.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 09.07.2024 is reproduced as under:-

“The present petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking pre arrest bail in case arising out of FIR No.721 dated 30.12.2023 registered under Sections 120-B, 34, 427, 447, 454, 506 and 511 of IPC at Police Station Model Town Rewari, District Rewari, on the basis of complaint filed by the complainant Gyan Singh alleging therein that he jointly with Mangal Ram had purchased a plot at Bhadawas Road, Rewari vide a registered sale deed dated 12.06.1998. Mutation had also been sanctioned in his favour on 24.07.2022. He had also entered into an agreement to



purchase the share of Mangal Ram in the abovesaid plot by making full payment of the sale consideration amount and an affidavit had been executed by Mangal Ram in his favour. As such, he owned the above stated property and was in possession of the same. The property tax ID of this property was also in his name ever since the year 2010 and it was he who had been depositing the requisite tax. He alleged that on 17.05.2022, the ID of this property was illegally transferred in the name of the petitioner and the complaint lodged by the complainant in this regard with Deputy Commissioner, Rewari was pending. The civil dispute qua this property in Civil Suit No.136 of 2009 titled as 'Surender Kumar and another v. Gyan Prakash and another' was pending and orders for maintaining status quo were passed in that case since the year 2009. He further alleged that on 30.12.2023, accused Aarti and her husband Manish Yadav entered inside his house built over the property purchased by him and demolished the rooms of this house with the help of JCB machine and even pillars were also demolished. They also extended threat to kill him. He prayed for taking action in the matter. After registration of the FIR, investigation proceedings have been initiated and are underway. The petitioner while apprehending his arrest had moved an application for grant of pre arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Rewari vide order dated 02.07.2024 (Anneuxre P-12).

It is argued by learned counsel for the petitioner that he was not named in the FIR and has been falsely implicated in this case. Infact, civil dispute is going on between him and the family of the complainant with regard to the same property and in order to exert pressure upon him, the latter has lodged this FIR against him despite the fact that the abovesaid property had been sold to Aarti and the property tax ID of the said property had also been transferred in her name. It is submitted that the custodial interrogation of the petitioner is not required. He is ready to join the investigation. No purpose would be served by detaining him in custody and, therefore, it is urged that the petition be allowed.



Notice of motion.

Mr. Arjun Lakhanpal, Addl. AG, Haryana who has advance notice of the petition has requested for a date for filing status report.

Adjourned to 07.08.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel has not filed status report. He further, on instructions states that the petitioner has joined the investigation and he is not required for custodial interrogation. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 09.07.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

07.08.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |