



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.35785 of 2024
Date of decision : 29.7.2024**

Rajbala and another**.....Petitioners****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. G.S. Sidhu, Advocate, for the petitioners

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.171 dated 21.6.2024, under Sections 147, 148, 149, 323, 341, 427, 452, 506 and 509 of the IPC, registered at Police Station Ding, District Sirsa.

2. Learned counsel for the petitioners would contend that the old dispute arose on the issue of property wherein demarcation of plot No.15 in khewat no.1520, measuring 16 marla 4 sarsai, situated in village Jodhkan, was pending between co-accused Partap Singh and the complainant. It has been further argued on behalf of the petitioners that co-accused Partap Singh is the beneficiary of the said transaction, who purchased the said plot on 19.6.2023, and a civil suit qua the said property against Partap Singh and his family members is also pending before the Civil Judge, Sirsa.



3. The present FIR is a result of an agreement between both the parties not to enter into the area of disputed plot, which was breached by the complainant and the said land was ploughed by the co-accused Partap Singh. The petitioners were nominated subsequently though there is no assertion in the FIR qua them and on perusal of the FIR, there is no iota of any incriminating material which could make them liable for any criminal offence, to say Sections 147, 148, 149, 323, 341, 427, 452, 506 and 509 of the IPC. It is also submitted that co-accused Vijay Kumar has been granted the concession of anticipatory bail by this Court vide order dated 8.7.2024 passed in CRM-M No.31860 of 2024.

4. Notice of motion.

5. On the asking of Court, Mr. B.S. Virk, Senior DAG, Haryana, who is present in Court, though served with advance copy of the petition, accepts notice on behalf of respondent-State, and on instructions from SI Bahadur Singh, would submit that it is a dispute between the complainant and co-accused Partap Singh, who entered into the house of the complainant and on that account the petitioners have been nominated subsequently as an accused. But he could not controvert the fact of grant of anticipatory bail to co-accused Vijay Kumar.

6. Mr. Gaurav Partap Singh Pathania, Advocate has put in appearance on behalf of the complainant and filed his power of attorney, which is taken on record.

7. Be that as it may, having given thoughtful consideration to the narrated facts and the arguments raised on behalf of learned counsel for the parties, this Court does not find any substantial material to hold that

custodial interrogation of the petitioners is must for which they are required to be taken into custody. Since petitioners are the persons, who as per prosecution case, have accompanied co-accused persons just as a part of the group but no overt act has been attributed to them.

7. In the light of above, this petition deserves to be accepted. The petitioners are directed to be released on anticipatory bail subject to their joining the investigation within a period of two weeks, on their furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the terms and conditions as envisaged under Section 438 (2) of the Cr.P.C./Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. However, it is made clear that in case the petitioners does not comply with the aforesaid direction of joining the investigation within two weeks, the order passed by the Court shall automatically stands cancelled.

9. The petition stands allowed in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

29.7.2024
Ashwani

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