



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38864-2024
Date of Decision : 29.10.2024

RAJ KUMAR ALIAS RAJA GURJAR
.....Petitioner(s)
VERSUS
STATE OF HARYANA
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gautam Dutt, Advocate,
for the petitioner(s).

Mr. R.K.Singla, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. On 09.08.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), prayer is made for grant of 'anticipatory bail' to the petitioner in FIR no.491, dated 18.07.2024 (Annexure P-1), under Sections 3(5), 318(4), 351(2), 111(2), 308(2), 338, 336(3), 340(2), 238 and 215 of the Bhartiya Nyaya Sanhita, 2023, registered at Police Station HTM, Hisar, District Hisar.

What surfaced from the study survey of the instant FIR, that the allegations against the petitioner is that, he on the basis of some forged municipal record, tried to take possession of the property of the complainant, as well as his daughter, and not only that, he alongwith other co-accused pressurised the complainant to part with half of the property for the purpose of settlement.

Learned Additional Sessions Judge, Hisar, while declining the relief of anticipatory bail to the present petitioner vide order dated 30.07.2024 (Annexure P-2), specifically observed that in the area of Hisar, the petitioner and other co-accused are operating by constituting a gang, and have deep nexus with the police and municipal officials of Hisar, and with their help they are illegally grabbing several properties in the area of Hisar.

Learned senior counsel in asking for the relief of anticipatory bail, to the petitioner, submits that without going into the veracity of the allegations, and in order to show his bona fide, the petitioner, is ready to sworn an affidavit to the extent that; (i) that he has no claim



whatsoever on the property of the complainant, as alleged in the FIR, and has no intention whatsoever even in future to raise any claim over that property; (ii), if in order to rule out that he has any intention to grab the property of other residents of the Hisar, he is ready to inform the investigating officer about the property for which he has legal right and it is open for the investigating officer to investigate/verify the genuineness of those documents; (iii) he is also ready to sworn that apart from the property which he owns he does not have any intention to grab the property of any other resident of the Hisar.

Learned senior counsel further submits that though the petitioner is involved in 20 other criminal cases, however, in all those case he has earned acquittal, and for that purpose he draws attention of this court to paragraphs 11 to 13 of the instant petition. Notice of motion.

Mr. Rajesh Gaur, Addl.A.G., Haryana, accepts notice on behalf of respondent-State, and waives service.

At this stage, Mr.Chand Ram Olla, Advocate, has caused appearance on behalf of the complainant, through a memo of appearance, and undertakes to file a validly executed power of attorney in his favour within 15 days from today, with the Registry of this Court.

Adjourned to 20.09.2024.

The petitioner is directed to join the investigation before the Chairman of the Special Investigation Team on dated 17.08.2024, at 11:00 a.m. positively, and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.

It is further made clear that at the time of joining the investigation, not only the petitioner is required to extent full cooperation with the SIT, but also to sworn affidavit as per the submission made by the learned senior counsel today in Court.”

2. Today, the learned State counsel has, on instructions imparted to him by the police official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 09.08.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-



- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
 - (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”
4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.
6. All pending application(s), if any, also stand **disposed** of accordingly.

October 29, 2024
dharamvir/Ajay

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No