



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRA-S-2711-2024 (O&M)
Date of Decision: 30.09.2024

ALI MOHAMMAD

...Appellant

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Brijender Kaushik, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Diwan S. Adlakha, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Instant appeal has been preferred against the order dated 31.07.2024 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide which application filed by the appellant for grant of anticipatory bail in FIR No.65 dated 17.03.2024 under Sections 148, 149, 323, 354-B, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act'), registered at Police Station Sadhaura, District Yamuna Nagar, has been dismissed.

2. On 08.08.2024, following order was passed:

"Instant appeal has been preferred against the order dated 31.07.2024 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide which application filed by the appellant for grant of anticipatory bail in FIR No.65 dated 17.03.2024 under Sections 148, 149, 323, 354-B, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act'), registered at Police Station Sadhaura, District Yamuna Nagar, has



been dismissed.

Learned counsel for the appellant, inter alia, contends that the appellant along with others have purchased the land measuring 07 kanal, 14 marlas from its owner Surasti Devi, vide registered sale deed No.386 dated 06.06.2023. However, in the revenue record, name of grandfather-in-law of the complainant is recorded in the column of cultivation. The Civil Suit for symbolic possession by way of pre-emption is pending between the parties before learned Civil Judge (Jr. Divn.), Sub Division Bilaspur. Earlier also, due to property dispute, sister-in-law of the complainant lodged an FIR No.261 dated 23.10.2023 under Sections 148, 149, 323, 506 of IPC and Section 391) (X) of SC&ST Act, at Police Station Sadhaura and one more FIR No.307 dated 18.12.2023 under Section 379 of IPC was got registered on the complaint made by husband of the complainant and both these FIRs were found to be false. The appellant has been falsely implicated in FIR (supra) only on the basis of property dispute.

Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State.

Adjourned to 09.09.2024.

Notice be issued to respondent No.2 for the date fixed.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the appellant is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the appellant shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the appellant shall co-operate in the investigation.*

If the arresting officer does not permit the appellant to



join the investigation, the appellant would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the appellant in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel on instructions from DSP Ramesh Gulia, submits that in compliance of order dated 08.08.2024 passed by this Court, the appellant has joined the investigation and is not required for further custodial interrogation.

4. Mr. Diwan S. Adlakha, Advocate has put in appearance on behalf of respondent No. 2 and filed power of attorney. Same is taken on record. Registry is directed to tag the same at the appropriate place. Learned counsel for respondent No. 2 vehemently opposed the prayer for grant of anticipatory bail to the appellant.

5. Keeping in view the statement made by learned State Counsel, the order dated 08.08.2024, is made absolute and order dated 31.07.2024 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri is set aside. The appellant shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.

6. The appeal is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

30.09.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No