



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39828-2024
Date of Decision:20.08.2024

Abdul Hamid @ Hamid and others ...Petitioners

vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajesh Lamba, Advocate
for the petitioners.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 438 Cr.PC with a prayer to grant anticipatory bail to them in case FIR No.145 dated 29.06.2024 under Sections 420,467,471,120-B,511,506 of IPC, registered at Police Station Dhauj, District Faridabad (Annexure P-1).
2. Learned counsel for the petitioners has placed reliance on the order dated 22.07.2024 (Annexure P-8) passed by this Court, whereby the concession of interim anticipatory bail has been granted to similarly placed co-accused and others. He further submits that it is a case of civil dispute and has been wrongly converted into a criminal offence. He further contends that a civil suit has already been filed by Yakub, Sule Khan, Shahjad, Munfaid, Sahil, Usman, and Harun. Further the Civil Court vide order dated 03.05.2024 (Annexure P-3) has already directed the parties to maintain status qua regarding possession over the suit property.

3. Notice of motion.

4. On the asking of the Court, Ms. Sheenu Sura, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

5. On the other hand learned State counsel has vehemently opposed the submissions made by the petitioner on the ground that the petitioner is involved in a serious crime. However, she could not dispute the fact that co-accused Yakub and others have already been granted the concession of interim anticipatory bail by this Court on 13.08.2024.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, admittedly a civil suit is pending between the parties with regard to the suit property and an injunction order has already been passed by the Civil Court. Apart from that, similarly placed co-accused Yakub and others have already been granted the concession of anticipatory bail.

8. The present petition is allowed and the petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Sections 438 (2) of the Cr.P.C . It will be open for the Investigating Officer to call the petitioners to join the investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 438 (2) of the Cr. P.C.

20.08.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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