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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-39834-2024 (O&M)
Date of decision: 14.08.2024

Pala Ram and others ...Petitioners

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Naresh Kumar Ganga, Advocate
for the petitioners.

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

Mr. Abhinav Singh, Advocate
for respondent No. 2/complainant.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of
Bhartiya Nagarik Suraksha Sanhita, 2023, the petitioners, who have been
summoned as accused to face trial for Commission of offences under
Sections 420, 467, 468 471 and 506 of IPC read with section 120-B of IPC
in Criminal Complaint bearing No. 95 of 2019 titled as *Sahab Ram vs. Roop
Ram and others*, are seeking benefit of pre arrest bail.
2. Briefly stated, the aforementioned complaint has been filed
against the petitioners and the co accused on the allegations that by taking
advantage of the fact that the mutation in respect of exchange of some land
by the petitioners in favour of the complainant had not been entered and
sanctioned in the revenue record, they sold the said land to the co-accused,
thereby committing the offense of cheating forgery and use of forged

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documents. The petitioners have been summoned to face trial, vide order dated 17.08.2023 as passed by the learned trial Court. Apprehending their arrest they moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Sirsa, vide order dated 08.08.2024.

3. It is argued by learned counsel for the petitioners that they are ready to face the trial. Their custodial interrogation is not required. They do not have any criminal antecedents. Therefore it is urged that the petition deserves to be allowed.

4. Since it is a private complaint case, learned State counsel has chosen not to address any argument. However, learned counsel for the complainant has opposed the prayer of the petitioners.

5. I have heard learned counsel for the petitioners and perused the record.

6. The petitioners have been summoned as accused in a private complaint case. Neither their custodial interrogation is required nor any recovery is to be affected from them. The subject offences are triable by Magistrate. No purpose would be served by detaining them in custody. They are ready to join the proceedings before the learned trial court. The main purpose for issuance of warrants is to secure the presence of the accused which the petitioners in this case are ready to ensure if extended benefit of anticipatory bail. As such, in the considered opinion of this Court, it is a fit case to extend benefit of anticipatory bail to the petitioners. Accordingly, the petition is allowed and the petitioners are ordered to be admitted to bail by

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learned trial Court, subject to their surrendering before it on or before the date fixed 04.09.2024 and furnishing bonds to its satisfaction.

14.08.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No