



CRM-M-42181-2023

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

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CRM-M-42181-2023

Date of Decision : August 21, 2024

SUDESH KUMAR SHARMA

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. B.S. Rana, Sr. Advocate with
Mr. Rahul Dahiya, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

Mr. Dharam Bir Bhargav, Advocate with
Mr. Kulwinder Bhargav, Advocate
for the respondents No.2 to 5.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 439(2) read with Section 482 of the Cr.P.C., a prayer is made for cancellation of anticipatory bail, as granted to the respondents No.2 and 3, and, to the respondents No.4 and 5, respectively vide orders dated 16.05.2023 and 26.05.2023, by the learned Additional Sessions Judge, Ambala, in case FIR No.486 dated 17.10.2022, under Sections 120-B, 454, 457, 380, 447, 379 and 506 of the IPC, registered at P.S. Naraingarh, Ambala.

2. The learned senior counsel for the petitioner submits that a forged and fabricated compromise was produced by the respondents No.2 to 5 before the learned Additional Sessions Judge concerned while beseeching the relief of anticipatory bail. He further submits that, without effecting any

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recovery, the concession of anticipatory bail has been granted to the respondents No.2 to 5.

3. This Court has heard the submissions made by the learned senior counsel for the petitioner, however, does not find any merit therein. The reasons for forming this inference generate from the factum that: (i) it has surfaced during investigation that, there is no specific mention of the date, on which the alleged theft took place; (ii) it has nowhere been mentioned in the complaint as to whether the allegedly stolen articles were exclusively owned by the complainant; (iii) at the time of granting anticipatory bail to the respondents No.2 to 5, a private criminal complaint regarding the same offence was also pending.

4. Moreover, what further erupts from the record is that, at the time of joining investigation, the respondents No.2 and 3 made certain disclosures. The disclosure made by them is extracted hereinafter from the respondent-State's reply dated 29.11.2023:-

"...in 1980, we all lived in the same house in village Gadoli. In the year 1990, my eldest Tau (uncle) Devi Chand had gone to Ambala along with his children, three girls and one boy Sudesh Kumar and after that he started living in Yamunanagar along with his family. Inside our house, there were two rooms and a kitchen in my uncle Devi Chand's share. There were two/two garters of iron and wood hanging on the ceiling of the rooms and their uncle Devi Chand passed away in 1992. After which the visits of my uncle's son Sudesh Kumar Sharma to the village had reduced. The two rooms in our house which were the share of my uncle Devi Chand in that rooms they had occupied these rooms. The gutters, pots and tiles were removed from the roof of those rooms and lantor were put on the roof in 2012 and that in which we are living now. They had sold small household items like garter, cords, tiles, wooden box, wooden



chest, bed etc. from those rooms and kitchen to a traveling scrap type person in the year 2012 itself. Now they don't know anything about that person. Now they don't have any of that stuff left. In the year 2021, without informing Sudesh Sharma, they called Chaman Lal JCB driver and picked up the soil from the field which belonged to Sudesh Sharma from where he was picking up the soil and dropped it in the field below us. In 2021, they had a settlement with Sudesh Sharma regarding the house and land for Rs 2 lakh...”

5. The learned State counsel has also informed this Court that, after completion of investigation, the Final Report under Section 173 of the Cr.P.C. was presented on 29.06.2023, whereupon, the respondents No.2 to 5 caused appearance before the learned trial Court/Magistrate concerned, and thereupon, they have been granted the relief of regular bail. Now the case is pending for consideration on charge.
6. The learned State counsel has also informed that a civil suit regarding share in joint property is also pending *inter se* the parties herein, before the learned civil court concerned.
7. As an upshot of the discussion made hereinabove, this Court does not find any merit in the instant petition and the same is **dismissed** accordingly.

August 21, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No