



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

203

CRM-M-6225-2024

Date of decision: 6th March, 2025

Surjit @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikas Gulia, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed seeking anticipatory bail in
FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
430	13.10.2023	Israna, District Panipat	379, 427, 435, 447 and 506 read with Section 34 of IPC

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the allegations that as on 28.09.2023, the petitioner by forming a gang with the co-accused had criminally trespassed into the agricultural land in possession of the complainant, harvested the sugarcane crop and also removed the plants grown over the fields. They also committed theft of bricks, shutters, doors, motors, CCTV cameras and girder stones having worth of Rs. 7,50,000/- from their land. They also caused damage to the crop by burning



it. After registration of FIR, investigation proceedings were initiated. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which was dismissed, by the Court of learned Additional Sessions Judge, Panipat vide order dated 15.01.2024.

3. The petitioner was directed to join the investigation, vide order dated 29.04.2024 as passed by this Court. As submitted by learned State counsel, he had joined investigation as on 19.12.2023 and then on 10.06.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The occurrence of theft which allegedly took place on 28.09.2023 had not been reported till 13.03.2023. There is inordinate delay in reporting the matter to the police. The ingredients for commission of offence under Section 447 of IPC are not attracted at all. Since the petitioner is a co-sharer in the property in dispute. He has already joined the investigation on 19.12.2023 and 10.06.2024. His custodial interrogation is not required. As such, it is urged that the petition deserves to be allowed.

5. Learned State counsel on the other hand, has argued that keeping in view the gravity of the allegations as levelled against the petitioner, the petition does not deserve to be allowed.

6. The efforts for mediation between the parties as initiated by this Court, have turned futile. The petitioner has joined investigation on 19.12.2023 and then on 10.06.2024. In the given nature of the facts, the pretrial incarceration of the petitioner is not required. As such, in the considered opinion of this Court, this is a fit case for allowing the petition.



Accordingly, without commenting on merits of case, it is observed that a case for release of petitioner on bail is made out. Accordingly, the petition is allowed and the order 29.04.2024 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th March, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No