



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

CRM-M-61769-2024

Date of Decision: 22.01.2025

Sita Ram

...Petitioner

vs.

State of Haryana

...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. R.D.Rattewal, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Mohit, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.241, dated 18.05.2022, under Sections 420,120-B of IPC, registered at Police Station Sadar Fatehabad, District Fatehabad (Annexure P-1).

2. While issuing notice of motion on 10.12.2024, this Court had noticed the following contentions:-

“Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor any role has been attributed to him. Even no transaction had taken place between the petitioner and the complainant. He further contends that the petitioner and the complainant are relatives and were earlier having good terms with each other. In order to secure job for the relatives, the petitioner as well as the complainant came in contact with Bhawna Bishnoi, co-accused in the present case and certain amounts were

allegedly paid to her. Even the petitioner was victimised by Bhawna Bishnoi and on the complaint filed by the petitioner, one FIR No.29, dated 20.01.2022, under Sections 420/120-B of IPC, Police Station Bhuna, District Fatehabad was registered against Bhawna Bishnoi. However, after sometime, Bhawna Bishnoi had compromised the matter after returning the money and the case was cancelled by the police. Learned counsel further contends that due to these developments, there were temperamental differences between the petitioner and the complainant. Later on, the complainant along with some other persons had attacked on the petitioner and caused injuries on the person of the petitioner. Consequently, the petitioner got registered one FIR No.412, dated 05.08.2022, under Sections 323,34,341,504,506 of IPC, Police Station Sadar, Fatehabad against Surender, complainant and other accused in the present case. Even, a cross version was also registered against the petitioner as well. Learned counsel further contends that the FIR in the present case was registered on 18.05.2022 and after a gap of more than two years and six months, the petitioner is sought to be implicated in the present case without any incriminating evidence on record. He further submits that the petitioner was involved in two more criminal cases i.e. FIR No.641, under Sections 420,465,468,471,120-B of IPC, Police Station Jhajjar and the petitioner has already been benefit of suspension of sentence in the said case, whereas, in another case i.e. FIR No.411, under Sections 323,341,504,506 of IPC, Police Station Bhuna, District Fatehabad, the petitioner is on bail in the said case.

3. Additionally, the Superintendent of Police, Fatehabad was directed to file the list of all such cases registered in all police stations under his jurisdiction, where the investigation of criminal cases is pending for the last more than three years.

4. On the last date of hearing, the Superintendent of Police, Fatehabad

had submitted a list of 31 cases, where the investigation was pending for the last more than 03 years and the Superintendent of Police, Fatehbad was also directed to file a status report with regard to the investigation of 31 cases on the next date of hearing.

5. Today, a status report by way of an affidavit of Superintendent of Police, Fatehabad has been filed on behalf of respondent-State and the same is taken on record.

6. Learned State counsel submits that out of 31 cases, the investigation has already been concluded by the IOs in 17 cases, in 08 cases warrant of arrest has been issued and in 02 cases, the accused persons have been declared as P.O. She further contends that in the remaining 02 cases, the proceedings for declaring the accused as P.O are pending before the Trial Court. She has further assured the Court that in all 31 cases, the investigation shall be concluded at the earliest. She further submits that during the course of investigation, Chetnaya Sharma, Neelam Rani, Sneh Singla and Sunil Payal have been innocent in the present case. She further submits that the petitioner has already joined the investigation and is no longer required for further investigation.

7. On the other hand, learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the custody of petitioner will be required for effecting the recovery of money from the petitioner. Apart from that, four persons have been wrongly declared as innocent in the present case and they had actively participated in the commission of crime. However, he admits that he has already filed a petition before this Court, challenging the action of the I.O.,

whereby, these four persons have been declared as innocent wrongly.

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

9. In the present case, after noticing the contentions raised by learned counsel for the petitioner, he was granted the concession of interim anticipatory bail by this Court on 10.12.2024. Thereafter, the petitioner has joined the investigation and is no longer required for purpose of investigation. Even otherwise, the allegations levelled by the complainant are subject matter of trial before the Trial Court and it would be inappropriate for this Court to comment on the allegations in any manner. Thus, the interim order dated 10.12.2024 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 482 (2) of B.N.S.S/438(2) of Cr.P.C.

22.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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