

(2014) 07 P&H CK 0743

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-18511 of 2014 and CRM No. M-23360 of 2014

Chanderbhan

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: July 21, 2014

Acts Referred:

- Penal Code, 1860 (IPC) - Section 120B, 419, 420, 467, 468

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: Ramender Chauhan and Sanjiv Gupta, Advocate for the Appellant; Suvir Sidhu, DAG, Advocate for the Respondent

Judgement

Mehinder Singh Sullar, J.

As identical points for consideration to grant the concession of anticipatory bail or otherwise, to the petitioners, are involved, therefore, I propose to decide the above indicated petitions bearing CRM No. M-18511 of 2014, titled as Chanderbhan @ Nanha Versus State of Haryana and another (for brevity "the 1st Case") and CRM No. M-23360 of 2014, titled as Sanjay Versus State of Haryana and another (for short "the 2nd case"), arising out of the same case/FIR, by means of this common order, to avoid the repetition.

2. The petitioners have directed the instant separate petitions for the grant of anticipatory bail, in a criminal case instituted against them, on a private complaint by complainant Preetam son of Anoop Singh (respondent No. 2), in which, they were summoned to face the trial for the commission of offences punishable under Sections 419, 420, 467, 468, 471 and 120B IPC, by the trial Magistrate.

3. Notices of the petitions were issued to the State.

4. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petitions for anticipatory bail deserve to be accepted in this context.

5. During the course of preliminary hearing, the following order was passed by this Court on May 28, 2014 in the 1st case:-

Learned counsel, inter alia, contended that complainant Preetam son of Anoop Singh (respondent No. 2), has filed the present criminal complaint, in which, petitioner and his other co-accused were summoned to face the trial for commission of offences punishable under Sections 419, 420, 467, 468, 471 and 120B IPC, without any cogent/legal grounds by the trial Court. Moreover, petitioner is an attesting witness and he is not in any way beneficiary from the alleged sale deed. The complainant has already filed a civil suit in which the matter was compromised and his suit was decreed, vide judgment and decree dated 23.12.2013, by the trial Court. Consequently, the land in dispute has already been transferred, in the name of the complainant, by way of sale deed dated 18.09.2013. Therefore, no indicated offences are made out against the petitioner and nothing is to be recovered from him.

Heard.

Notice of motion be issued to the respondent, returnable for 21.07.2014.

Meanwhile, the petitioner is directed to appear/surrender before the next date of hearing and the trial Court would admit him to interim (provisional) bail on his furnishing adequate bail and surety bonds to its satisfaction.

6. Sequelly, similar order was passed by this Court on July 16, 2014 in the 2nd case as well.

7. At the very outset, learned counsel appearing on behalf of the petitioners have filed their affidavits to the effect that petitioners have already surrendered/appeared and bail and surety bonds furnished by them, in pursuance of the pointed orders of this Court, were attested and accepted by the trial Court.

8. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petitions for anticipatory bail are accepted and the interim (provisional) bail already granted to the petitioners by this Court, by virtue of indicated orders are hereby made absolute.

9. Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail.