

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

**CRM-M-21452-2025 (O&M)
Date of Decision: 22.05.2025**

ROHTASH

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Jhamb, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.66 dated 10.03.2025 under Sections 324(2), 329(4), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Saran, Faridabad.

2. On 24.04.2025, following order was passed:

“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.66 dated 10.03.2025 under Sections 324(2), 329(4), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Saran, Faridabad.

Learned counsel for the petitioner, inter alia, contends that the petitioner is in adverse possession of the property in question since 2002 and he is doing the business of building material from the disputed property. Earlier also, the complainant got registered FIR No.125 dated 01.04.2019 under Sections 506, 448, 447, 427, 34, 323 of the Indian Penal Code, 1860, at Police Station Saran, Faridabad against the petitioner, in which the allegations were levelled that the petitioner is not lifting the material from the land owned by him. Further, the complainant sent a rent agreement (Annexure P-3) to the petitioner on 07.03.2025 and brother of the petitioner refused to agree to the terms and conditions of the same. Furthermore, the complainant wants to dispossess the petitioner



from the property in question without following the due process of law. Moreover, the maximum sentence provided for the offences, under which the present FIR is registered, is punishable upto 02 years.

Notice of motion.

Ms. Geeta Sharma, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. D.S. Matya, Advocate appears on behalf of the complainant and files Power of Attorney in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

Learned counsel for the complainant opposes the prayer made by the petitioner for grant of anticipatory bail on the ground that the petitioner has not approached this Court with clean hands and he has not brought to notice of this Court any document to remotely suggest how he came into possession of the land in question.

Adjourned to 22.05.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS [erstwhile Section 438(2) of the Code of Criminal Procedure, 1973].

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned State counsel on instructions from ASI Rakesh, submits that in compliance of order dated 24.04.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 24.04.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) of BNSS, 2023.
5. The petition is accordingly disposed of.

22.05.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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