



Present: Sh. Satisih Nagar, counsel for the petitioners.
Shri Jagminder Singh, learned PP for State.

Order:

Reply to the bail application filed. Arguments heard.

Learned counsel for the petitioners/accused – Rohtash Baisoya, Rajesh Bhardwaj and Jai Parkash Tyagi has made following submissions:

- (i) that petitioners are Directors of M/s RTS Group and they had purchased the land measuring 5000 sq. yds. from Ashok Mishra, who was owner/GPA holder of the land, vide registered sale deed dated 26.02.2015 out of his total land measuring 7745 Sq. Yds., whereas case of the complainant is that he had also purchased a plot measuring 50 Sq. Yds. from the aforesaid Ashok Mishra on 12.01.2011 and that the petitioners have demolished his wall and are raising construction over the same, which is totally false and baseless;
- (ii) that at the time of purchase of the land from their vendor i.e. Ashok Mishra, he had duly handed over its vacant possession to the petitioners and fraud, if any, has been committed upon the complainant by the said Ashok Mishra and therefore, the petitioners have been falsely roped in so as to extract money from them;
- (iii) that it is evident from the contents of the FIR itself that the complainant has already filed a separate complaint against his vendor Ashok Mishra at the Police Station,

Sector-55 vide DD dated 30.10.2016 and concern of the complainant is that he be reasonably compensated, therefore, dispute, if any, is of civil nature; and

(iv) that none of the ingredients of cheating or trespassing is made out against the petitioners and no recovery, whatsoever, is to be effected from the possession of accused.

Besides above submissions, Id. Counsel for accused also laid stress on the fact that no custodial interrogation of the petitioners is warranted and they are ready to join the investigation. On the other hand, Id. P.P. has strongly opposed the request of anticipatory bail of the accused as the case is at initial stage and custodial interrogation of the petitioners is required in order to conduct thorough investigation.

Admittedly, the petitioners are not having any criminal background, the dispute projected by the complainant is apparently of civil nature and the case is more or less based on documentary evidence. Infact, it is fairly settled in law that there should be prevention of harassment, humiliation and unjustified detention of an accused. Citation to this effect is reported as **Bhadresh Bipinbhai Sheth Vs. State of Gujrat and another 2015(4) Law Herald (P&H) 3254**. Thus, considering facts of this case in its totality, in the interest of justice, meanwhile, in the event of arrest, the petitioners/accused – Rohtash Baisoya, Rajesh Bhardwaj and Jai Parkash Tyagi be released on interim bail, subject to their furnishing personal bonds with one surety to the satisfaction of Arresting/Investigating Officer. However,

petitioner/accused – Rohtash Baisoya, Rajesh Bhardwaj and Jai Parkash Tyagi shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. Now to come up on 26.11.2021 for awaiting report of the Investigating Officer.

Announced:

(Rajesh Sharma)
(UID-HR0172)

Dated: 02.11.2021

Additional Sessions Judge
Faridabad.

Harit Verma/JW