

# IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No. 869 of 2011

Date of decision: 31.10.2011

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Ram Krishan

.... Petitioner

Vs.

State of H.P.

..... Respondent

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***Coram***

**The Hon'ble Mr. Justice Kuldeep Singh, Judge.**

***Whether approved for reporting?<sup>1</sup> No***

**For the Petitioner : Mr. Mahesh Sharma, Advocate.**

**For the Respondent : Ms. Ruma Kaushik, Additional  
Advocate General.**

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**Kuldeep Singh, Judge. (Oral)**

This is an application under Section 438 Cr.P.C. for releasing the petitioner on bail in FIR No. 198 of 2011 dated 8.9.2011 registered at Police Station, Dhalli, under Sections 447, 379 IPC.

2. It has been stated that the petitioner and her sister inherited some property. The sister of the petitioner partitioned the land in the year 1991 but petitioner remained in possession of the whole of the land. Some person realizing the dispute between the petitioner and his sister purchased some land from the sister of the petitioner at throw away price but never took the possession of the land. The said person further sold the land to Smt. Manjeet complainant after changing its classification from Awal Kalhu to Banjar Kadeem. The complainant in connivance with her husband and police tried to take forcible possession of the land twice from the petitioner and ultimately lodged

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***Whether the reporters of the local papers may be allowed to see the Judgment?yes***

false and frivolous FIR No. 198 of 2011 dated 8.9.2011 at Police Station, Dhalli. In view of the registration of the case, the petitioner apprehends his arrest in the above case.

**3.** The petitioner is ready to join the investigation, no recovery is to be made from the petitioner. The petitioner is ready to furnish bail bonds in accordance with the directions of this Court. A prayer has been made for grant of bail.

**4.** The status report has been filed and the bail application has been opposed. In the status report, it has been stated that case has been registered on the basis of written complaint of Smt. Manjeet wherein it has been alleged that somebody had trespassed over her land and stolen grass worth Rs.1500/- without her consent. In the status report it has been stated that petitioner tried to take possession of two fields of the complainant by ploughing them. The petitioner has joined the investigation. The stolen grass from the land has already been fed to the cattle.

**5.** I have heard either side and perused the police file. In the status report it has not been stated that petitioner is not cooperating in the investigation nor it has been stated that some recovery is to be made from the petitioner. The petitioner is asserting his possession over the land in dispute whereas the complainant has stated that she is in possession of the land in dispute. In the facts and circumstances of the case, the petitioner has made out a case for grant of bail under Section 438 Cr.P.C.

**6.** Accordingly, the application is allowed, the petitioner is ordered to be released on bail in FIR No. 198 of 2011 dated 8.9.2011

registered at Police Station, Dhalli, under Sections 447, 379 IPC on his furnishing personal bond in the sum of ₹ 20,000/- with one surety of the like amount to the satisfaction of the Arresting Officer with the condition that the petitioner shall continue to join the investigation as and when called by the Investigating officer and shall not hamper the investigation and tamper with the prosecution evidence in any manner.

7. The observations made in this judgment are for disposal of bail application only and the same shall not be construed as an expression of opinion on the merits of the case.

Copy **Dasti**.

**October 31, 2011.**  
(GR)

**( Kuldip Singh),**  
**Judge.**