

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

CRL. MISC. No.M-10883 OF 2015 (O&M)
DATE OF DECISION : 27th MAY, 2015

Desh Raj

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Kshitij sharma, Advocate for the petitioner.
 Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana.
 Mr. Saurabh Gulia, Advocate for the complainant.

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SURINDER GUPTA, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.243 dated 26.12.2010 registered for offence punishable under Sections 420, 467, 468, 471 and 120-B IPC at Police Station Pataudi, District Gurgaon.

Heard.

Notice of motion.

On the asking of the Court, Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana, who is present in court, accepts notice and submits that intimation by Registry informing of fixation of the application has already been received and record of the case is available with him.

The FIR in this case was got registered by Narender Kumar son of Jagmal Singh on the allegation that he has been defrauded by one Krishan Kumar, who on the basis of fake documents sold 32 kanals of land to him vide various sale deeds. At the time of presenting the documents for

sanction of mutation it transpired that the Jamabandi produced by Krishan Kumar were fake. The allegations against Desh Raj-petitioner are that he in connivance with Krishan Kumar and computer operator prepared the fake computerized Jamabandi to defraud the complainant.

Mr. Saurab Gulia, Advocate has put in appearance on behalf of the complainant who has submitted that the matter has since been compromised between the parties vide compromise dated 25.05.2015, copy of which has been placed on record.

Keeping in view the facts discussed above and that the dispute has been settled by way of compromise, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Desh Raj is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Gurgaon, subject to following terms:

- (i) The accused shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

27th May, 2015
'raj'

(SURINDER GUPTA)
JUDGE