

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

CRM-M No.12430 of 2015

Date of decision: 20th August, 2015

Avinash Mittal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Jaspreet Singh, Advocate
for the petitioner.

Mr. C.S. Brar, Dy. Advocate General, Punjab.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Avinash Mittal in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.12 dated 18.10.2014 registered at Police Station NRI, SAS Nagar (Mohali) under Sections 406/419/420/465/467/468/471/120-B IPC, are that in the month of May, 2014 accused persons comprising of present petitioner along with non-applicants Harpal Singh and Mohd. Haroon had represented complainant Anumapa, an NRI, that they were owners of House No.9, Shivalik Vihar, Village Bhabat and on this pretext had entered into an agreement to sell whereby they

took ₹35.00 lacs undertaking to execute the sale deed. However, subsequently the fraud was detected.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 13.02.2015 and that the only role attributed to him is that he has impersonated as owner of the house and that the investigation and trial are much delayed.

Though the bail application is stoutly opposed by learned State counsel submitting that the accused have committed a heinous offence, however, keeping in view the incarceration undergone by the petitioner and the fact that investigation/trial will take a long time to conclude and the culpability, if any, shall be determined at the time of trial, this Court without going into the merits of the case, is of the opinion that no useful purpose will be served by keeping the petitioner behind bars in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of trial Court.

The present petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

August 20, 2015

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