

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-28178-2015 (O & M)
Date of decision:08.09.2015

Niranjan Sharma

...Petitioner(s)

Versus

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gorav Kathuria, Advocate,
for the petitioner.

Rajan Gupta, J. (oral)

This is a petition under Section 482 Cr.P.C. seeking cancellation of bail granted to accused-respondent No.2 vide order dated 20.02.2015 passed by Sessions Judge, Faridabad.

FIR was lodged by the complainant alleging that an agreement to sell was entered into between the petitioner and respondent No.2 for a sale of house measuring 100 Sq. Yds. for a consideration of ₹ 60 lacs out of which, about ₹ 36 lacs was paid by the complainant to the accused. However, it later transpired that house in question was mortgaged to the Syndicate Bank against loan taken by the accused.

After FIR was lodged, investigation ensued. Respondent No.2 was taken in custody. Accused, thereafter, sought regular bail. Considering the fact that case was triable by Magistrate and the accused was incarcerated for almost one month, he was granted bail vide order dated 20.02.2015. Petitioner, thereafter, moved an application under Section 439(2) Cr.P.C. before the same court.

However, it was rejected.

Present petition has been filed with the similar prayer.

Learned counsel for the petitioner has not been able to convince the court that any ground is made out for cancellation of bail. It is evident that accused-respondent No.2 remained in custody for more than a month. Magisterial trial would take some time to conclude.

Dismissed.

08.09.2015

sukhpreet

**(RAJAN GUPTA)
JUDGE**