

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

CRM-M-30852-2015 (O&M)

Date of Decision: November 16, 2015

Gopal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Jagdish Manchanda, Advocate
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Gopal Singh, son of Sh.Jamna Dass, resident of House No.1862, Nehru Colony, NIT Faridabad, District Faridabad, who has been booked for having committed the offences punishable under Sections 120-B, 420 and 506, IPC, in a case arising out of FIR No.719, dated 21.10.2014, registered at Police Station, City Ballabgarh, District

Faridabad.

Learned counsel contends that as per the prosecution version, the petitioner had agreed to sell the agricultural land which was owned by the petitioner. It has further been alleged in the FIR that the petitioner charged ₹40,00,000/- (Rupees forty lacs only) from the informant-complainant. Learned counsel further contends that all the offences for which the petitioner has been booked are triable by learned Judicial Magistrate First Class. After completion of the investigation, the charge-sheet (challan) has been presented and the petitioner is facing trial. He further contends that the petitioner is behind the bars since 21.05.2015 and his further incarceration in the present case would not be of any consequence. Learned counsel has further pointed out that the earlier petition seeking the same relief was dismissed as withdrawn with liberty to approach the Court of Session in view of the changed circumstances vide order, dated 13.08.2015. He also points out that as per the certificate issued by the Medical Officer, District Jail, Faridabad, the petitioner is suffering from following ailments:-

“(A) Category-II Pulmonary Tuberculosis

(B) Bening Hyperplasta of Prostate

(C) Anaemia

(D) Eczematous Dermatitis

(E) Umbilical Hernia

(F) Lower Back Pain”

In support of his arguments he has placed on record the said certificate, which is taken on record.

Learned counsel for the State has fairly conceded that all the offences for which the petitioner is behind the bars from 21.05.2015 are triable by learned Judicial Magistrate First Class. He further fairly concedes that after completion of the investigation, the charge-sheet (challan) has been presented.

In view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Gopal Singh, son of Sh.Jamna Dass, resident of House No.1862, Nehru Colony, NIT Faridabad, District Faridabad, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bonds in the sum of ₹2,00,000/- (Rupees two lacs only) with two sureties in the like amount to the satisfaction of the trial Court.

November 16, 2015
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(NARESH KUMAR SANGHI)
JUDGE