

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

***CRM No.M-11144 of 2016 (O&M)
Date of Decision: 06.05.2016***

Umesh Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. A.S. Virk, Advocate for
Mr. Arvind Singh, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.24 dated 05.02.2014, under Sections 406/420/467/468/471/120-B IPC, registered at Police Station Sarai Khawaja, District Faridabad.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Pintu Ram. Complainant asserted that he had entered into an agreement to sell dated 26.10.2012 in respect of a plot against a total sale consideration of an amount of Rs.8 lacs. The entire sale consideration amount as per allegations already stands made over to Kishan Kumar with whom the agreement had been entered into.

The present petitioner is the brother of Kishan Kumar and is sought to be implicated in the present case on the basis that out of the total sale consideration of Rs.8 lacs, Rs.3.50 lacs were given by three different cheques and that too in the name of the present petitioner.

Accusations in a nutshell are with regard to cheating and misappropriation of the amount of Rs.8 lacs as Kishan Kumar, co-accused

was not found to be either the owner of the plot or in possession of the same.

Petitioner has been in custody since 03.10.2015.

Investigation in the present case is complete, challan stands presented and even the charges have been framed on 02.01.2016.

Learned State counsel upon instructions from ASI Narender would submit that out of 10 prosecution witnesses cited only 1 has been examined till date. The trial, as such, would take time to conclude.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Faridabad.

Disposed of.

06.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**