

Sr. No. 236

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

**CRM No. M-11988 of 2016 (O&M)
Date of Decision: 21.04.2016**

Prabhu Yadav

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Ms. Priya Khurana, Advocate,
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G.Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.98 dated 09.10.2015, under Sections 419, 420, 423, 467, 468, 471, 120-B of Indian Penal Code, registered at Police Station Haibowal, Ludhiana.

FIR came to be registered on the complaint of Gagandeep Sharma. Complainant asserted that he was indulging in the business of real estate and was developing a residential colony in the area of Village Ladian Kalan, Tehsil and District Ludhiana and he had engaged the services of one Kishore Yadav as a Mason.

Allegations in a nutshell are that aforenoticed Kishore Yadav and his friend, namely, Prabhu Yadav/present petitioner have hatched a conspiracy and have cheated a number of potential customers by having collected lacs of rupees and having handed

over forged and fabricated agreements to such customers. Complainant further stated that he had come to know that one of such agreements even the signatures of the seller is not there and even though an amount of Rs.07 lacs has been received by Kishore Yadav.

Present petitioner was arrested on 09.10.2015.

Learned State counsel who is on instructions from SI Varinder Kumar would apprise the Court that during the course of investigation, statements of six such people who have allegedly being cheated have been recorded. Out of these six persons, five have got their statements recorded that even though the plots were jointly shown by the present petitioner and co-accused Kishore Yadav but the money was entrusted only to Kishore Yadav. Statement of one potential customer has been recorded whereby a total sum of approximately Rs.3 lac has been entrusted jointly to the petitioner and co-accused Kishore Yadav.

Investigation in the case is complete and the challan stands presented. Even charges have been framed. The trial is at the very initial stage and would take time to conclude.

The petitioner is in custody since 09.10.2015.

Even as per version of the complainant and during the course of investigation the money entrusted by the potential customers is primarily to co-accused Kishore Yadav and not to the present petitioner.

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, Ludhiana.

Disposed of.

21.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**