

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

CRM-M No. 17916 of 2016 (O&M)

Date of Decision: 27.05.2016

Ishwar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Surender Dhull, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by SI Suraj Bhan.

Mr. Aman Pal, Advocate
for the complainant.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner-accused-Ishwar in case FIR No. 826, dated 11.11.2015, for offences punishable under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code, registered at Police Station Sadar Karnal.

The allegations of the complainant-Baldev Raj Chhabra are that co-accused-Harbhajan Singh @ Bhajan Lal executed a sale deed dated 17.10.2013 through his GPA holder son-Ishwar (petitioner) qua the land in question for a total sale consideration of Rs.62,50,000/- in favour of the complainant. The possession was also handed over. Yet to defeat the rights of the complainant, he has proceeded to execute two different agreements to

sell regarding the same land in favour of the other proposed vendees/co-accused Amarjeet Singh and Balwant Sharma.

It is contended that from the bare reading of the FIR, no offence of cheating or forgery is made out. It is next submitted that the petitioner is in custody since 13.02.2016 and after completion of the investigations, challan stands presented and evidence of twelve (12) cited prosecution witnesses is yet to commence. It is also submitted that co-accused-Harbhajan Singh @ Bhajan Lal (father of petitioner) has been enlarged on bail by this Court vide order dated 18.05.2016.

Learned State Counsel, assisted by SI Suraj Bhan, does not dispute the custody period as well as role attributed to the petitioner and stage of the trial. He also does not dispute the fact of granting the bail to co-accused-Harbhajan Singh @ Bhajan Lal (father of petitioner).

Learned Counsel for the complainant vehemently opposes the grant of bail to the petitioner.

Without commenting on the merits of the case, keeping in view the role attributed to the petitioner, custody period, parity of treatment and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner-accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

May 27, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE