

CRM-M-18625-2016 (O&M)

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

CRM-M-18625-2016 (O&M).

Decided on: May 26, 2016.

Roshan Lal

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Jagdish Manchanda, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Having been summoned as an accused in a private complaint, apprehending arrest, the petitioner has approached this Court for the grant of concession of pre-arrest bail.

The allegation against the petitioner is that he has duped the complainant by filing a suit for recovery of Rs.12,87,535/-, on the basis of false bahi entry and that petitioner had raised a false claim against the complainant.

Taking into consideration the nature of the allegations, the Additional Sessions Judge, Kurukshetra, has dismissed the application for pre-arrest bail observing that though nothing is to be recovered from the possession of the petitioner yet gravity of the offence committed by him by cheating the poor farmer will not entitle him to get the concession of pre-arrest bail.

I have considered the allegations in the complaint

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and I am of the opinion that the petitioner having been summoned as an accused in a private complaint should have been granted the concession of pre-arrest bail as no useful purpose will be served by detaining a person during pendency of private complaint as a mode of punishment merely on the ground that the allegations raised by a farmer appear to be very serious.

Notice to the Advocate General, Haryana.

On asking of the Court, notice has been accepted by Mr.Vikas Malik, DAG. Haryana, present in the Court. Copy given.

It will not be appropriate to unnecessary harass the complainant by summoning him and putting financial burden on him for contesting the petition.

This petition is allowed. It is ordered that the petitioner will appear before the trial Court on next date of hearing or within a period of one week from today whichever is earlier. In case of petitioner doing so, he shall be released on bail to the satisfaction of the trial Court. It is made clear that in case petitioner fails to appear before the trial Court within a period of one week or on the next date of hearing before said Court, this petition will be deemed to have been dismissed.

A copy of the order be uploaded on the internet forthwith.

May 26, 2016.
rka

(M.M.S. BEDI)
JUDGE