

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-21753 of 2016
DECIDED ON: JULY 04, 2016

RAM CHANDER

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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?

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J

Through this petition preferred under Section 439 Cr.P.C. petitioner has sought regular bail in case FIR No. 978 dated December 06, 2015 under Sections 420, 467, 468, 471, 506 and 34 IPC registered at Police Station Civil Lines Karnal.

Briefly stated the case of prosecution is that the petitioner entered into an agreement to sell dated June 07, 2014 with the petitioner and Jaiveer on receipt of entire sale consideration amounting to ₹11,25,000/-. At that time, complainant also handed over to him all the documents pertaining to the plot in

question. It was further agreed between the parties that complainant shall be at liberty to get the sale deed executed as per his wish at any time. On January 04, 2015 complainant went to the plot to dig foundation but he was astonished to see that there was no such plot. Thus, complainant approached the accused but could not find any satisfactory reply from them.

Undisputably, after the registration of FIR petitioner was arrested on May 20, 2016 and since then he is cooling his heels in the judicial lock up. His person is no more required for further interrogation. The case of prosecution is entirely based upon documents. Even otherwise, completion of investigation, presentation of challan and conclusion thereof, is likely to take sufficient long time and no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period. The allegations levelled in the complaint are required to be established by the complainant by adducing cogent and convincing evidence by the prosecution.

Since the person of the petitioner is no more required by the investigating agency and the case is entirely based upon documents, this Court is of the considered view that a case is made out to exercise the discretion as envisaged under Section 439 Cr.P.C.

Accordingly, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction of learned Jurisdictional Magistrate/Duty Magistrate, Karnal.

JULY 04, 2016
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(JASPAL SINGH)
JUDGE