

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

**CRM-M No.28384 of 2015 (O&M)
Date of Decision: 11.02.2016**

Rajbeer

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Mohd. Younus.

Mr. Ram Bilas Gupta, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.54 dated 04.02.2015, under Sections 406, 420, IPC and (Sections 467, 468, 471 and 120-B, IPC added later on), registered with Police Station SGM Nagar, District Faridabad (**Annexure P-1**).

As per the allegations levelled by the complainant/Advocate, the petitioner has cheated him by receiving an earnest money of Rs.25 Lacs at the time of execution of agreement to sell dated 11.06.2010 regarding a piece of land, qua which he had already executed an earlier agreement to sell.

The petitioner is stated to be in custody since 02.05.2015 and the prosecution evidence is yet to commence.

It is conceded that the case is triable by a Magistrate.

Learned State Counsel, assisted by ASI Mohd. Younus, is unable to refute the aforesaid factual position.

Without commenting on the merits of the case, keeping in view the custody period, the fact that case is triable by a Magistrate and 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 regular bail subject to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

February 11, 2016

Gagan

(JASWANT SINGH)
JUDGE