

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-37864 of 2016
Date of decision: 27.10.2016

Ashish Dua

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present:- Mr. V.K. Jindal, Sr. Advocate with
Mr. Amardeep Sheoran, Advocate
for the petitioner.

Mr. Tejinder Pal Singh, Advocate
for the complainant.

Mr. Karan Sharma, AAG, Haryana.

SNEH PRASHAR, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case First Information Report No.1453 dated 17.12.2015, under Sections 380, 457 of IPC (now registered under Sections 365, 420, 406, 120-B/34 IPC) at Police Station Chandnibagh, District Panipat.

Learned State counsel, on instructions from ASI, Bijender Kumar, PS, Economic Cell, Jhajjar, submits that Section 365 IPC has since been dropped and accordingly, the final report is to be presented in the Court.

On the other hand, learned counsel for the petitioner submits that there was a long legal battle going on between the parties over money transactions and immovable property. The petitioner had filed three

complaints against the complainant-Vipin Kumar, who is none else but first cousin of the petitioner, under Section 138 of the Negotiable Instruments Act, 1881. Consequent to the same, the complainant had got registered the instant case and two other criminal cases against the petitioner. The petitioner is already on bail in the other two cases. In the instant case, he is in custody for the last one month.

The petition is opposed by the counsel for the complainant on the ground that earlier in another case the petitioner had violated the order of this Court.

The prosecution has yet to file final report under Section 173 Cr.P.C. Nothing remains to be recovered from the petitioner. Considering the facts and circumstances and without going into the merits of the case, the petitioner, who is in custody since 28.09.2016 and there appears no plausible ground to detain him further in custody, is admitted to regular bail during pendency of the trial, subject to his furnishing bail/surety bonds, to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat.

27.10.2016
Dinesh Bansal

(SNEH PRASHAR)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No