

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

***CRM No.M-44309 of 2015 (O&M)
Date of Decision: 18.03.2016***

Sushil Kumar Gupta

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM No.M-3963 of 2016 (O&M)

Munna Lal Gupta

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kunal Dawar, Advocate for the petitioner
(in CRM No.M-44309 of 2015).

Mr. Harsh Aggarwal, Advocate and
Mr. Adarsh Jain, Advocate for the petitioner
(in CRM No.M-3963 of 2016).

Mr. Vivek Saini, DAG, Haryana.

Mr. Ram Bilas Gupta, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-44309 of 2015 and CRM No.M-3963 of 2016 as both these petitions have been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioners therein in case FIR No.226 dated 11.06.2013, under Sections 420/467/468/471/120-B IPC, registered at Police Station Sarai Khawaja, District Faridabad.

Counsel for the parties have been heard.

Briefly, it may be noticed that the FIR came to be registered on the statement of complainant, Gyasi Lal Sharma. Allegations against Sushil Kumar Gupta (petitioner in CRM No.M-44309 of 2015) are with regard to having sold of certain land belonging to the complainant in an illegal

manner and without due authorization.

Insofar as Munna Lal Gupta i.e. petitioner in CRM No.M-3963 of 2016 is concerned, the accusation is of preparing forged documents/papers in favour of certain other accused persons so as to facilitate the transfer of land belonging to the complainant.

Investigation in the present case is complete. Challan qua Sushil Kumar Gupta was presented on 15.10.2015 and qua Munna Lal Gupta on 04.03.2016. It is a case triable by a Court of Magistrate.

Curiously, even though the allegations leveled by the complainant are with regard to a certain parcel of land having been sold without due authorization by the present petitioners and that too on the basis of forged and fabricated documents yet the persons to whom such land has been unlawfully and illegally sold have not come forth.

It has also gone uncontroverted that one Joginder Singh @ Gindi and against whom there were similar allegations has been granted benefit of bail by the learned Additional Sessions Judge, Faridabad in the light of order dated 24.01.2014 and the certified copy of which was produced during the course of hearing. Even in such order, it has been observed that no person to whom the applicant therein i.e. Joginder Singh @ Gindi allegedly sold land of the complainant had come to the Court or to police to lodge a complaint that he was cheated or had sold land against payment of bogus papers.

Petitioner Sushil Kumar Gupta (petitioner in CRM No.M-44309 of 2015) has been in custody since 08.09.2015 and Munna Lal Gupta (petitioner in CRM No.M-3963 of 2016) was arrested on 11.01.2016.

The trial is stated to be at the very initial stage and would take

time to conclude.

Without making any observations on merits, both the petitions are allowed. Petitioner(s) be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Faridabad.

Disposed of.

18.03.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**