

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No.M-4711 of 2016

Date of Decision: March 28, 2016

Naveen Kumar Grover son of Late Shri Wazir
Chand Grover

.....Petitioner

Versus

State of Haryana & another

.....Respondents

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

Present: Mr.Pankaj Bali, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

Petitioner has preferred the instant petition under Section 439(2) of the Code of Criminal Procedure assailing the order dated 20.1.2016 passed by learned Additional Sessions Judge, Karnal in terms of which respondent No.2 herein has been granted the benefit of regular bail in case FIR No.713 dated 24.9.2015, under Sections 420, 406, 120-B of the Indian Penal Code, registered at Police Station Civil Lines Karnal.

2. Brief facts that would require notice are that the FIR in question was registered on the complaint of the present petitioner with the allegations that respondent No.2, in conspiracy with co-accused Perna Kalra, had executed an agreement to sell of a plot with the complainant for a total sale-consideration price of ₹65 lacs and had received ₹46 lacs as earnest money and the target

date for execution of the sale-deed was fixed as on or before 20.3.2015. It was alleged that respondent No.2 did not execute the sale-deed and kept on postponing the matter on one pretext or the other. Later complainant became aware that the plot in question was not even in the name of accused/respondent No.2 and rather it was in the name of his wife. Even a Panchayat was stated to have convened in which respondent No.2 had admitted his lapse and had issued six post-dated cheques for a total amount of ₹46 lacs, but even such cheques, upon presentation, had been dishonoured. Accusations, in a nut-shell, were with regard to cheating, fraud and mis-appropriation of money.

3. During the course of arguments, it has gone uncontroverted that investigation in the case having been completed, challan was presented and even charges have been framed. That apart, it is also conceded that a civil suit stands instituted by the complainant and even proceedings under Section 138 of the Negotiable Instruments Act have been filed.

4. Respondent No.2 was arrested on 14.12.2015. The learned Additional Sessions Judge, Karnal while granting benefit of regular bail pending trial vide impugned order dated 20.1.2016 had also noticed that the accused/respondent No.2 had conceded his financial obligation towards the complainant/ petitioner herein and had even tendered a sum of ₹2 lacs towards part payment, but the same was declined by the complainant.

5. It is not the case made out on behalf of the complainant/petitioner that respondent No.2 after having been granted the benefit of regular bail has mis-used such concession

and has taken any steps that would be construed towards hampering the course of a free and fair trial.

6. In view of the above, this Court does not find any infirmity in the order dated 20.1.2016 passed by the learned Additional Sessions Judge, Karnal granting to respondent No.2 the benefit of trial.

7. There is, however, one aspect which requires to be dealt with. In the impugned order, observations have been made by the learned Additional Sessions Judge, Karnal *“that the matter is of civil nature and which has been given colour of criminal action”*. It is clarified that such observations contained in the impugned order dated 20.1.2016 would have no bearing on the merits of the trial.

8. With such limited clarification, the present petition seeking cancellation of regular bail to respondent No.2 is dismissed.

March 28, 2016
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: Whether referred to Reporter? (Yes/No)