

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

CRM-M No. 5709 of 2016 (O&M)
Date of Decision: 03.05.2016

Pradeep Dhawan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Johan Kumar, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by SI Sher Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner/accused-Pradeep Dhawan in case FIR No. 402, dated 04.07.2014, for the offences punishable under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code, registered at Police Station City Ballabgarh, District Faridabad.

Co-accused/non-applicant-Parmod Aggarwal was a tenant in half portion of a house measuring 220 square yards owned by Smt. Savantra Devi (complainant), who also is in possession of remaining half portion of the house. The principal-accused-Parmod Aggarwal is alleged to have got executed three sale deeds qua the residential house, executed (i) one in his own favour (ii) in favour of his co-accused wife Rekha and (iii) in favour of Smt. Pushpa wife of co-accused-Ashok Kumar, by impersonation of the owner-Smt. Savantra Devi. Said Parmod Aggarwal, thereafter, raised a loan to the tune of Rs. 1.6 crore from four banks by mortgaging the said residential house and the role attributed to the present petitioner/accused is of acting as an Agent of the bank for securing the loan and thereby receipt of Rs. 2.5 lacs as commission.

It is contended that taking even the allegations on the face value, no offence made out against the petitioner. The petitioner is stated to be in custody since 14.01.2016 and the challan has been presented. It is still further pointed out that the said principal-accused- Parmod Aggarwal has since been enlarged on regular by the learned Additional Sessions Judge, Faridabad on 18.04.2016. It is also contended that the case is triable by a Magistrate.

Learned State Counsel, assisted by SI Sher Singh, is unable to refute the aforesaid factual situation. He also does not dispute the fact of grant of regular bail to the said Parmod Aggarwal. He further submits that the evidence of cited fourteen prosecution witnesses is yet to commence.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; parity of treatment and the fact that the trial is not likely to be concluded in near future, moreso, when the case is triable by a Magistrate, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 03, 2016

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(JASWANT SINGH)
JUDGE