

Criminal Misc. M- No. 1343 of 2017 (O&M)

Date of decision : May 10, 2017

Rajinder

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parveen Sharma, Advocate for
Mr. Arvind Singh, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 578 dated 12.09.2016 registered under Section 120-B, 328, 376, 506 IPC at Police Station Assandh, District Karnal.

It is contended that the petitioner has been falsely implicated, in this case, primarily due to a dispute in certain property matters. The complainant, it is asserted, is engaged in a business of getting loans sanctioned for people for various purposes. It is submitted that a plot was purchased by the petitioner from the complainant's husband. It was thereafter transferred to the complainant again on 26.02.2016 by way of a registered sale deed. There was a dispute regarding money between the complainant's husband and the petitioner. The present FIR has been registered on 12.09.2016 in respect to an incident, which allegedly took

place in February, 2016. It is highly improbable that the complainant, who is a mature lady, would have kept quiet for such a long time. Furthermore, the petitioner's wife earlier submitted application dated 02.09.2016 before the SHO, Police Station Assandh Karnal alleging that the complainant and her husband were blackmailing her husband. It is, thus, prayed that this petition be allowed.

This application has been opposed by the learned counsel for the State on the ground that specific and serious allegations have been raised against the petitioner by the complainant. However, it is not denied that on investigation it has come to light that the complainant is engaged in the business of getting loans sanctioned for others. The petitioner is also stated to be involved in similar activity. Para 4 of affidavit dated 24.03.2017 of Sh. Virender Singh, Deputy Superintendent of Police, Assandh, Distirct Kanral reads as under:-

“ It is submitted before the Hon'ble Court that it is a true fact that complainant of this FIR Reena is engaged in the business of getting the loan sanctioned for others and during course of this investigation. It was established even by the petitioner, in his disclosure statement before the police that he is also doing the same thing in collaboration with complainant and a number of respected persons of the locality has also confirmed this fact.”

Final report under Section 173 Cr.P.C. has been presented in this case. Charge has been framed and prosecution evidence is being led. The petitioner is in custody since 16.09.2016. There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released

on bail. The trial, in this case, is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is, however, made clear that the petitioner shall not try to contact the complainant in any manner, directly or indirectly. In case of any infraction on the part of the petitioner, liberty is afforded to the complainant/prosecution to move an appropriate application for cancellation of his bail.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

May 10, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No