

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 15720 of 2017 (O&M)
Date of decision : 24.7.2017

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Rajul

.....Petitioner

vs.

State of Haryana

.....Respondent

2) CRM-M No. 17209 of 2017 (O&M)

...

Charanjeet @ Charni

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sanjiv Gupta, Advocate for the petitioner
(In CRM-M- 15720 of 2017)

Mr. Ajay Kumar Gupta, Advocate for the petitioner
(In CRM-M- 17209 of 2017)

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. J.S. Saneta, Advocate for the complainant, with
complainant – Promila.

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H. S. Madaan, J. (Oral)

By this order, I shall dispose of two applications for regular
bail i.e. CRM-M-15720 of 2017 filed by Rajul and CRM-M-17209

of 2017 filed by Charanjeet @ Charni, both of them being accused in FIR No. 705 dated 27.12.2016 under Sections 420, 406, 506 and 120-B IPC, registered in Police Station Gharaunda, District Karnal.

Briefly stated, the facts of the case are that above mentioned FIR was registered on the basis of complaint submitted by complainant Promila wife of Naveen Kumar, alleging that Rajul s/o Rashid, Parmod s/o Attar Singh, Charanjeet and Bakshi Ram, had hatched a conspiracy and in order to defraud her had taken an amount of Rs. 34 lacs from her, showing her land in village Kalheri, Tehsil Gharaunda, preparing a forged agreement; that she had moved an application regarding this fraud at Police Station Gharaunda. Thereafter, accused asked for forgiveness in the assembly of Panchayat, agreeing to return the amount and the agreement in question was cancelled. Charanjeet @ Charni had issued a cheque in the sum of Rs.23,50,000/-, but on presentation the cheque was dishonoured. She had prayed for taking of action against the accused.

After registration of the FIR, the matter was investigated and it transpired that the land belong to Wakf Board and there was no lease in favour of the accused. Accused Charanjeet @ Charni was arrested in this case on 24.1.2017, whereas accused Rajul was arrested on 25.3.2017 and they are stated to be in custody since then. Challan against the accused has been filed in the Court. They have knocked at the door of this Court for grant of regular bail.

Notice of the petitions was given to the State, which has put in appearance through State counsel. Mr. J.S. Saneta, Advocate for the complainant has also appeared alongwith the complainant.

Counsel for the petitioners have contended that talks for amicable settlement between the parties are going on and they are at advanced stage. The complainant has conceded this fact stating that she has no objection if the applicants are granted regular bail. Even otherwise, it appears to be a case of civil nature and complainant has already filed a complaint under Section 138 of the Negotiable Instruments Act against Charanjeet @ Charni for dishonour of the cheque in the sum of Rs.23,50,000/-, issued by him in her favour, which is stated to be pending. The allegations in both the cases appear to be almost of same type.

Therefore, without expressing any opinion on the merits of the case, it is observed that further detention of petitioners shall not serve any useful purpose as the trial is likely to take considerable time and as such both the petitions are allowed.

Both the petitioners, namely, Rajul and Charanjeet @ Charni are directed to be released on bail subject to their furnishing personal and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Karnal. The Court accepting the bonds can impose necessary conditions to ensure that accused do not abscond.

Both the petitions are allowed accordingly.

(H.S. Madaan)
Judge

24.7.2017

chugh

Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No