

CRM-M-39609-2017

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

CRM-M-39609-2017

Date of Decision: 30.10.2017

Divya Kirti Kapil @ Dimple

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

Complainant-Bhupinder Singh Sudan in person.

INDERJIT SINGH, J.

Petitioner-Divya Kirti Kapil @ Dimple has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.277 dated 04.08.2016, registered at Police Station Ambala Cantt., District Ambala, under Sections 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code.

Notice of motion has been issued. Learned State counsel has appeared on behalf of respondent-State and complainant has appeared in person. They contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and complainant, who is present in Court and have gone through the record.

From the record, I find that as per the allegations, complainant- Bhupinder Singh Sudan entered into an agreement to sell

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with the present petitioner and earnest money was paid by the complainant on the same day and later on, some more amount was also paid. Possession of the plot was delivered to the complainant, who constructed the boundary wall around the plot. It is also stated in the FIR that later on, the complainant came to know that loan has been taken on the property from the bank after mortgaging it, however, the accused-petitioner agreed to execute the sale deed after making the payment of the bank. Now grievance of the complainant is that the petitioner has not executed the sale deed.

All the offences are triable by the Judicial Magistrate Ist Class. Moreover, the petitioner has been in custody since 19.03.2017. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

30.10.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No