

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

CRM-M-45146-2016 (O & M)

Date of Decision: 27.01.2017

Devinder Kumar Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Manjot Kaur, Advocate,
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Mr. Sudhir Hooda, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner-Devinder Kumar Sharma has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.165, dated 04.11.2014, registered at Police Station Kurali, District SAS Nagar, Mohali, under Sections 406 and 420 of Indian Penal Code.

Notice of motion was issued. Learned State counsel put in appearance on behalf of the respondent-State and the complainant has also appeared through his counsel. They contested this petition.

I have heard learned counsel for the petitioner; learned State counsel and learned counsel for the complainant and have gone through the record.

From the record, I find that the petitioner was declared proclaimed offender vide order dated 30.08.2016. As argued, the petitioner himself surrendered before the Court and was taken into custody on

02.11.2016. As per the prosecution version, the land was purchased @ ₹1,40,00,000/- per acre. The accused received the amount of ₹1,18,12,500/- qua the land measuring 6 kanals 15 marlas and the above mentioned persons in connivance with co-sharer Davinder Singh got executed power of attorney in his favour only. On inquiry, it has been found that the complainant-Jarnail Singh alongwith his anti/opposite party Davinder Kumar Sharma had purchased land measuring 06 kanals 15 marlas which is ½ share of total area measuring 13 kanals 10 marlas, from Salindra. For purchasing the above land, the complainant paid an amount of ₹1,03,62,500/-.

The petitioner has been in custody since 02.11.2016. 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; without expressing any opinion on the merits of the case and in view of the facts that the petitioner himself surrendered before the Court and since then he is in judicial custody, 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.

27.01.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

: Yes

Whether reportable

: No