

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-6845 of 2017
Date of Decision: 07.03.2017

Gurdyal Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 497 dated 05.08.2016 registered for offences punishable under Sections 420, 406, 506 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Assandh, Karnal, District Karnal.

Heard.

Notice of motion.

On asking of the court, Ms. Neelam Kashyap, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

FIR was registered against the petitioner for his lapse in executing the agreement to sell in favour of the complainant. As per complainant, the petitioner entered into agreement to sell 92 *kanals* 16 *marlas* of land and received ₹12 lacs as earnest money. The sale deed was to be executed by 10.07.2016 but he did not come forward to get the sale deed

executed.

The petitioner was arrested in this case on 28.12.2016. After completion of investigation the challan has already been presented against the petitioner.

In view of above facts but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gurdyal Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

March 07, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No