

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 1650 of 2018
Date of decision : January 29, 2018

Dalip Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Keshav Pratap Singh Advocate
for the petitioner.

Ms. Harpreet Kaur AAG, Haryana.

Mr. Brijender Kaushik, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J (oral).

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No. 362 dated 6.8.2017 for offences under Section 406,420 IPC registered at Police Station Ambala City, District Ambala.

Counsel for the petitioner has submitted that as per allegations in the FIR the petitioner had entered into an agreement to sell in favour of the complainant on 17.4.2013 on receiving the full payment. However, the complainant has filed a suit for permanent injunction. It is further submitted that FIR has been registered on 6.8.2017 i.e. after a period of about more than four years. It is further submitted that the petitioner is in judicial lock up since 16.11.2017 and also that the investigation is complete and petitioner is not required for any further investigation.

not disputed the factual position that the investigation is complete and challan under Section 173 Cr.P.C has already been presented in the Court and charges have also been framed and evidence is yet to start.

Learned counsel for the complainant has submitted that after entering into an agreement to sell in favour of the complainant, the petitioner has again sold the property.

Without commenting anything on merits of the case and considering the fact that petitioner is in judicial lock up since 16.11.2017; and also the investigation is complete; and the charges have been framed; the offences are triable by the Court of Magistrate and conclusion of trial is likely to take some time, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bond to the satisfaction of the trial court/Illaqa Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

January 29, 2018
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No