

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

CRM-M No.19515 of 2018

Date of Decision: 10.10.2018

Gurtej Singh

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. D.K. Mittal, D.A.G., Haryana.

Mr. Arvinder Arora, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner in case FIR No.266 dated 08.06.2017 registered under Sections 406, 420 and 120-B IPC at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner submits that the earlier petition was dismissed as withdrawn in the month of December, 2017. He further submits that no fraud has been played by the petitioner with the complainant as the first agreement between the parties was only because of security for loan, which he has taken from Gurvinder Singh to whom he had already returned Rs.4,50,000/-. Said Gurvinder Singh has appeared as PW2 and stated that he has filed a civil suit for permanent injunction against the petitioner in the Civil Court at Ambala as the petitioner has neither returned the amount nor got the sale deed executed. Learned counsel also submits that the offence is triable by the Magistrate and the petitioner is in custody

since 29.06.2017. Co-accused of the petitioner, namely, Lakhvinder Singh @ Kala has approached this Court for grant of regular bail and he has been released on regular bail vide order dated 23.03.2018 passed in **CRM-M No.11506 of 2018.**

Learned counsel for the respondent-State has not disputed the custody period and also releasing of co-accused Lakhvinder Singh @ Kala on regular bail.

However, learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner on the ground of serious allegations of cheating and fraud as a huge amount was paid to the petitioner by the complainant after selling his agricultural land.

By considering the submissions made by learned counsel for the petitioner that the offence is triable by the Magistrate; the petitioner is in custody since 29.06.2017; challan has been presented; charges have been framed; three witnesses have also been examined and no useful purpose would be served by keeping the petitioner behind bars and by applying the factum of parity with co-accused who has been released on regular bail, the present petition is allowed and petitioner, namely, Gurtej Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

10.10.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No