

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-23290 of 2018
Date of Decision: 01.06.2018

Om Parkash and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajbir Singh, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Davinder Lubana, Advocate
for the complainant.

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.168 dated 15.03.2018 registered for offences punishable under Sections 420 and 120-B of Indian Penal Code (for short, "IPC") at Police Station Sector 5, Panchkula.

Heard.

As per allegation in the FIR, complainant was allured by petitioners and their co-accused to enter into the sale transaction under which he paid ₹45 lakhs. The entire transaction was under a plan hatched by petitioners and their co-accused to grab compensation amount of ₹50 lakhs, which the complainant had received from his father as his share of compensation for acquisition of their land. The complainant was made to believe that land of which he is entering into bargain will be sold with a

margin of ₹70 lakhs and ₹80 lakhs. Petitioners and co-accused also

introduced fake buyer of that land namely, Jagtar Singh and Amrik Singh. Later on complainant came to know that land agreed to be sold was already lying mortgaged with bank and it was not the same land, which was shown to him.

The petitioner was arrested in this case on 07.05.2018 and is in custody since then. The matter is still under investigation. The payment to vendees were made through cheques. Learned State counsel has admitted that none of the cheque issued by complainant was got encashed by petitioner.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that completion of investigation, presentation of challan and then conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Om Parkash and Parveen Singh @ Surjit are 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) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

June 01, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No