

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

CRM-M No.25043 of 2018

Date of decision : 09.08.2018

Amanpreet Singh

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Anshul Mangla, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Ravinder Banger, Advocate for the complainant.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Amanpreet Singh has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.19 dated 01.03.2018 under Sections 420, 406, 506, 120-B of the Indian Penal Code, 1860 registered at Police Station – Sadar Jagadhri, Distt. Yamunanagar.

Learned counsel for the petitioner submits that as per case of the prosecution, the complainant has levelled allegations of cheating against five persons namely Vikas alias Vicky, Jasbir, Jaipal, Kanwaljit Singh and Raghubir Tohanna. Neither the name of the petitioner is mentioned in the FIR nor any specific role has been attributed to him. Learned counsel further submits that as per the allegations, the complainant and his friend

Bodhraj paid an amount of ₹40,00,000/- to co-accused Jaipal in presence of the other co-accused as per agreement to sell dated 18.12.2017 relating to property belonging to Jaipal. Co-accused Kanwaljit Singh is witness to said agreement to sell. Petitioner is neither the beneficiary nor witness of the agreement but still he has been implicated. Learned counsel also submits that co-accused Jaipal who is the beneficiary, has been granted benefit of interim bail by this Court vide order dated 30.04.2018 passed in CRM-M No.11884 of 2018. Similarly, co-accused Vikram alias Vicky who has played active role has also been granted interim bail vide order dated 31.05.2018 passed in CRM-M No.24096 of 2018. This fact was also admitted before the Panchayat by co-accused Jaipal, Kanwaljit Singh and Raghubir Tohanna that entire money paid by the complainant is with them and they promised to return the same after consultation with co-accused Vikram alias Vicky and Jasbir. Learned counsel further submits that the bail application filed by the petitioner has been dismissed by learned Additional Sessions Judge, Yamunanagar at Jagadhri without mentioning all these facts. Learned counsel also submits that recovery has already been effected and investigation qua present petitioner is complete. Petitioner is in custody since 21.04.2018 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the factum of release of co-accused Jaipal and Vikram alias Vicky on interim anticipatory bail.

Heard arguments of learned counsel for the parties and have also perused the contents of FIR and other documents on the file.

Admittedly, co-accused Jaipal and Vikram alias Vicky have been released on ad interim bail by this Court. It has been admitted before Panchayat by co-accused Jaipal, Kanwaljit Singh and Raghubir Tohanna that entire amount has been paid by the complainant and the same is with them. They have also undertaken before the Panchayat to return the same after consulting with co-accused Vikram alias Vicky and Jasbir.

By considering the submissions made by learned counsel for the parties and keeping in view the fact that the present petitioner has not played any active role, he is not the beneficiary, investigation qua him has been completed, recovery has also been effected and co-accused of the petitioner who are the beneficiary have been released on interim bail, no purpose would be served by keeping him in custody.

Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the trial Court.

09.08.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No