

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

CRM-M-319-2018 (O&M)
Date of decision : 22.01.2018

Jagdish Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. HPS Ishar, Advocate for the petitioner.

Mr. Ramakant Sharma, AAG, Haryana,
assisted by ASI Rakesh Kumar.

Mr. Anoop Verma, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.18 dated 09.02.2016, registered under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, at P.S. Saha, District Ambala.

Contends that the petitioner was not aware of the fact that his father, Gainda Ram, was not the owner in possession of the land in question, though, he was holding the land for a number of years. The similarly placed co-accused, viz. Sita Ram and Mahender Kumar, have already been released on bail.

On the other hand, learned State counsel, on instructions, submits that the petitioner has taken Rupees fifteen lac from the complainant.

Learned counsel for the complainant states that the petitioner is a habitual offender.

Heard.

This is the third bail petition moved by the petitioner. The petitioner is in custody since 11.04.2016. The challan stands presented and out of 14 prosecution witnesses, only 1 has been examined so far, therefore, it can safely be inferred that the trial is not likely to be concluded in the near future. It being a magisterial trial, this Court is of the considered opinion, that no useful purpose would be achieved in keeping the petitioner under further incarceration.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. The petitioner shall also surrender his passport, if any, held by him, with the trial Court and shall not leave the country without prior permission of this Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.01.2018
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No