

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+211

CRM-31945-2018 in/and
CRM-M-32395-2018 (O&M)

Date of Decision:12.09.2018

Bittu alias Harvinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Sushil Jain, Advocate and
Mr. Abhinav Sood, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

CRM-31945-2018

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record a copy of challan (Annexure P-3) and also exemption from filing the certified copy thereof.

CRM application is allowed, as prayed for. Copy of challan (Annexure P-3) is permitted to be placed on record. Exemption sought is granted.

CRM-M-32395-2018

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0318 dated 15.05.2018 under Sections 120-B, 420, 467, 468, 471 IPC (subsequently Section 120-B

IPC was withdrawn and Section 406 IPC was added later on), registered at Police Station Suraj Kund, District Faridabad.

The abovesaid FIR was registered at the behest of complainant-Harbirinderjit Singh Dhillon stating therein that land measuring 2 kanal 5 marla situated in village Manger, Tehsil and District Faridabad, was fraudulently sold by the petitioner in favour of Ajay Kumar son of Ram Chander, r/o AO-1/135, Madangiri, New Delhi for a consideration of ₹16,88,000/-. Out of this amount, ₹3,00,000/- was given by way of bank draft dated 23.04.2015 in favour of the petitioner, whereas the remaining amount i.e. ₹13,88,000/- was paid in cash.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 04.06.2018 and trial may take long time, the real victim in this case is Ajay Kumar, but he has not come forward to lodge an FIR. He further states that so far as physical possession of the land in dispute is concerned, the same is still with the complainant.

On the other hand, learned State Counsel on instructions from ASI Mohan Lal has argued that the bank draft of ₹3,00,000/- has come in the name of the petitioner and the petitioner despite not being the owner has sold the land to Ajay Kumar and therefore, question of possession is not material at this stage.

I have heard learned counsel for the parties.

Admittedly, the possession of the land in dispute is with the complainant. The real victim in the case i.e. Ajay Kumar who has purchased the land from the petitioner has not raised any objection despite the fact that the sale-deed was executed on 04.05.2015 and he is without possession despite spending huge amount.

Be that as it may, without making any observations about the claim and considering the fact that it being a magisterial trial and the petitioner is in custody since 04.06.2018, coupled with the fact that trial in the case may take long time as challan has been presented, I deem it appropriate to release them on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/heavy surety bonds to the satisfaction of trial Court.

September 12, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No