

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

CRM-M No.37065 of 2018

Date of Decision: 06.12.2018

Om Parkash Chopra

....Petitioner

Versus

Union Territory, Chandigarh

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gaurav Dhir, Advocate
for the petitioner.

Mr. Gautam Dutt, Advocate
for the respondent-U.T. Chandigarh.

None for the complainant.

DAYA CHAUDHARY, J. (ORAL)

The prayer in the present petition is for release of petitioner- Om Parkash Chopra on regular bail in case FIR No.0201 dated 05.12.2015 registered under Sections 420/120-B IPC at Police Station Sector 19, Chandigarh during pendency of trial.

Status report on behalf of respondent-U.T. Chandigarh has been filed in the Court today and the same is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, there is no fault on his part. He made all efforts for getting the land registered in the name of Society. Subsequently, the symbolic possession of the land was also given. The delay was because of dispute of stamp duty amount. Subsequently, the

decision was taken at the level of State Government. The stamp duty was to be paid as earlier it was not required to be paid. Under the *bona fide* belief, the delay was there in payment of the amount of stamp duty. Learned counsel also submits that now the land is in the name of Society which is occupied by illegal occupants. The petitioner is in custody for the last more than eight months. The offence is triable by the Magistrate. Only the challan has been presented. After presentation of challan, the charges have been framed and even a single witness has not been examined so far. The trial may take long time to conclude and no useful purpose would be served by keeping the petitioner behind bars.

Learned counsel for respondent-U.T has opposed the submissions made by learned counsel for the petitioner on the ground that many complaints were there against the petitioner. Now the complaint has been given by original owner of the land stating that the petitioner forged power of attorney, whereas, learned counsel for the petitioner submits that on the basis of that Power of Attorney, the complainant (owner of the land) came on bail and it cannot be said that said document is forged one.

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

By considering the custody period and without saying anything on the merits of the case as the offence is triable by the Magistrate; even a single witness has not been examined so far; the Society is in existence and the land has been occupied by some illegal occupants; allegations against the petitioner are to be tested during trial, the present petition is allowed and petitioner, namely, Om Parkash Chopra is directed to be released on regular

bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is directed that while releasing the petitioner on bail, his undertaking be obtained to the effect that he will attend the Court proceedings regularly and will not influence the witnesses or tamper with the evidence. He is also directed not to leave the country without prior permission of the trial Court.

06.12.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

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