

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37996-2018

Date of decision: 06.09.2018

Arjun @ Arjun Dev

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sanjay Vashisth, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Arjun @ Arjun Dev, has prayed for grant of regular bail in case FIR No. 384 dated 27.07.2017 registered under Section 420 IPC at Police Station Rai, District Sonapat.

According to the prosecution, the petitioner, as Numberdar, illegally got transferred land measuring 2 kanal 13 marlas of one Vasu Ram @ Vasudev S/o Jeetu Ram @ Jeet Ram resident of village Jhundpur Tanda, in favour of his wife, namely; Krishna, vide registered sale deed bearing No. 6048 dated 21.12.1998, duly attested by co-accused-Suraj Bhan and scribed by Bhagwat Dayal Paliwal.

Learned counsel for the petitioner *inter alia* contends that till

date none of the alleged actual owner of the land in question came forward to lodge complaint against the petitioner for illegally grabbing his land by virtue of the aforesaid sale-deed. The instant FIR has been lodged by Naib Tehsildar, Tehsil Rai, District Sonapat, pursuant to complaint of one Ramesh Kumar S/o Aaya Ram, a co-villager, who earlier also had moved similar complaint (Annexure P-5) in the year 2002, to the Deputy Commissioner, Sonapat. The same after conducting full fledged enquiry was found false. Now, after 15 years, aforesaid Ramesh S/o Aaya Ram, having some ill motive against the petitioner moved another complaint verbatim to the earlier complaint before Deputy Commissioner, Sonapat, which was marked to Naib Tehsildar, Tehsil Rai, District Sonapat, who lodged the present FIR, on the basis of cryptic enquiry conducted by him, without going deep into the entire affairs. Petitioner is now aged around 60 years and is suffering from fourth stage cancer. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail. More so, co-accused of the petitioner, namely; Bhagwat Dayal Paliwal, has already been enlarged on regular bail by this Court, vide order dated 31.08.2018, passed in CRM-M-37080-2018. Thus, treating the case of the petitioner on the same parity, he may be granted the concession of regular bail.

On the other hand, learned State counsel vehemently opposed the above submission of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed.

Consequently, petitioner-Arjun @ Arjun Dev, is ordered to be released on

bail pending trial, treating his case on the same parity as that of his co-accused, namely; Bhagwat Dayal Paliwal, on his furnishing adequate bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

September 06, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No