

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

**CRM-M No.43083 of 2017
Decided on: 17.01.2018**

Gopi Ram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.S. Jammu, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. U.K. Agnihotri, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.206 dated 09.08.2016, for offence punishable under Sections 420, 467, 468, 471, 477 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Ellenabad, District Sirsa.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 12.08.2017 and is not required for any further custodial interrogation as challan has already been presented on 09.10.2017. It is further submitted that the petitioner is 67 years of age and is suffering from multiple health problems and is under treatment with the Jail Doctor. Counsel for the petitioner has further argued that all the offences are triable by the Court of Magistrate and co-accused of the petitioner namely Brij Mohan and Anil Kumar have already

surrendered before the police authorities.

Counsel for the State, on instructions from HC Devinder, has not disputed the factual position but opposed the prayer for bail.

On the other hand, counsel for the complainant has also opposed the prayer for bail on the ground that the petitioner has entered into an agreement to sell with the complainant without disclosing the fact that he is no more the owner of the property.

Without commenting anything on merits of the case and considering the fact that the petitioner is an old man; he is in custody since 12.08.2017; his co-accused have already surrendered before the police authorities; he is no more required for any further custodial interrogation and all the offences are triable by the Court of Magistrate, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.01.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No