

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

**Crl. Misc. M – 5381 of 2018
Date of Decision:- 23.03.2018**

Sanjeev ChopraPetitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. R.K. Chopra, Sr. Advocate, with
Mr. Gaurav Sharma, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in FIR No. 911 dated 16.10.2017, registered at Police Station Model Town, Panipat, under Sections 406, 420, 467, 468, 471, 120B and 506 IPC.

As per the contents of the FIR the wife of the petitioner sold the factory premises to the complainant for a sum of Rs.27,94,000/-. Physical possession was also handed over but after a few days locks of the premises were found broken and some unknown persons were found to be in possession who claimed that they had an agreement to sell in their favour. On being contacted, the petitioner and his wife threatened the complainant.

Learned Senior counsel for the petitioner has contended that the petitioner has been in custody since 14.11.2017 and that the investigation is complete and challan has also been presented. Apart from that, it is submitted that the offence of forgery is not made out from the bare perusal of the FIR. Even the offence of criminal misappropriation is not made out. Whether Section 420 IPC is attracted or not, is also debatable. In fact,

the dispute between the parties is purely civil in nature because the wife of the petitioner sold the factory to the complainant who had knowledge that the factory was mortgaged with one person from whom money had been taken against the property. Subsequently, the complainant was unable to pay of the mortgagee, therefore, the present FIR has been filed.

Learned State counsel on the other hand has submitted that wife of the petitioner was not the owner of the property and that the property was owned by third person and therefore, culpability is writ large. Further, even in the agreement to sell with the complainant there is no mention of the fact that factory is mortgaged with third person. Thus, it is contended that the petitioner does not deserve the concession of regular bail. It is however not disputed that the investigation is complete and that the challan has already been presented. In fact, the charge has also been framed but trial has yet to commence.

Without commenting upon the merits of the case and keeping in view the fact that the petitioner has been in custody since 14.11.2017 and that the investigation is complete, no useful purpose would be served by keeping the petitioner in custody.

The petition is accordingly allowed and it is directed that the petitioner, namely, Sanjeev Chopra, be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

March 23, 2018
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No