

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

211

CRM-M-13712-2019 (O & M)
Date of Decision:13.05.2019

Raj Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Mittal, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Parwinder Singh, Advocate
for the complainant.

MANOJ BAJAJ, J.(ORAL)

Petitioners have filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.229 dated 12.10.2015, under Sections 406, 417, 420 and 120-B IPC, registered at Police Station Mullana, District Ambala.

FIR was registered on the statement of Mohd. Rahees, wherein it was alleged that the complainant was engaged in the business of property dealing at Kota, Rajasthan. In the year 2015, a call was received from V.K. Mishra from Haridwar and the matter was discussed by the complainant with his friends. According to him, the accused had induced him to set up an

Ashram in Rajasthan and Haryana by becoming the follower of Guru ji based in Haridwar, and earn lot of profit from the devotees. It was stated by the accused that the land can be arranged for the complainant and pursuant to the said deal, an agreement to sell was executed between Raj Kumar and Shiv Charan (petitioners) on 09.06.2015. The said land was situated at Ambala and in all a total sum of ₹60 lacs stood paid by the complainant to the accused persons.

Learned counsel for the petitioners contends that the FIR pertains to the alleged breach of agreement to sell allegedly executed by them in favour of the complainant/respondent No.2. It is pointed out that the concession of anticipatory bail was extended to the petitioners on a condition that a sum of ₹60 lacs will be paid by them to the complainant. However, the said amount could not be paid and the petitioners surrendered themselves before trial Court on 18.01.2019. According to him, the charges have been framed on 29.11.2018 and the trial is in progress.

On the other hand, the bail application is opposed by learned State counsel as well as counsel for the complainant. It is contended by them that since the agreed amount of ₹60 lacs is not paid, therefore, concession of bail does not deserve to be extended to them. He fairly states that no proceedings either for specific performance of the contract or for recovery of the amount have been initiated by the complainant.

Considering the fact that the investigation of the case is complete and the offences are triable by Magistrate, further detention of the petitioners may not be justified. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioners are

ordered to be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

13.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No