

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(i) CRM No.M-28357 of 2016 (O&M)

Sumit Singh Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(ii) CRM No.M-28359 of 2016 (O&M)

Sumit Singh Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(iii) CRM No.M-28360 of 2016 (O&M)

Sumit Singh Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(iv) CRM No.M-28361 of 2016 (O&M)

Sumit Singh Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(v) CRM No.M-39137 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(vi) CRM No.M-39155 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(vii) CRM No.M-39156 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(vii) CRM No.M-39158 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(ix) CRM No.M-39159 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(x) CRM No.M-39160 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(xi) CRM No.M-39161 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(xii) CRM No.M-39162 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(xiii) CRM No.M-39163 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(xiv) CRM No.M-39164 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(xv) CRM No.M-39165 of 2016 (O&M)

Sumit Bharana ...Petitioner

VERSUS

State of Haryana ...Respondent

(xvi)

CRM No.M-40946 of 2015 (O&M)

Hem Singh Bharana

...Petitioner

VERSUS

State of Haryana

...Respondent

(xvii)

CRM No.M-40948 of 2015 (O&M)

Hem Singh Bharana

...Petitioner

VERSUS

State of Haryana

...Respondent

Date of Decision: April 08, 2019

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.N.S.Shekhawat, Advocate
for the petitioners.

Mr.C.S.Bakshi, Addl. Advocate General, Haryana
for the respondent-State.

Ms.Deepshikha, Ms.Promila Nain,
Mr.Chanchal K. Singla, Mr.Ish Puneet Singh,
Mr.Manbir Singh for Mr.Himanshu Arora,
Mr.K.Arun, Mr.P.S.Sullar, Advocates
for the complainants/victims.

INDERJIT SINGH, J.

All these cases are taken up together as point for determination
in these cases is the same.

Petitioner Sumit (Singh) Bharana has filed fifteen petitions

Police Station Rajendra Park, Gurgaon, as under:-

CRM No.M- of 2016	FIR No.	Dated	Under Sections
28357	192	15.05.2015	406, 420, 120-B IPC
28359	193	15.05.2015	406, 420, 120-B IPC
28360	195	16.05.2015	420, 120-B IPC
28361	311	18.07.2015	406, 420 IPC
39137	191	15.05.2015	406, 420, 34 IPC
39155	440	26.09.2015	7A and 10 HDRUA Act
39156	262	06.12.2015	406, 420 IPC and Section 10 HDRUA Act
39158	244	06.12.2015	406, 420, 120-B IPC
39159	327	22.07.2015	406, 420, 34 IPC
39160	261	16.08.2014	406, 420, 120-B IPC and Section 10 HDRUA Act
39161	295	07.02.2015	406, 420 IPC and Section 10 HDRUA Act
39162	194	15.05.2015	406, 420, 120-B IPC
39163	441	26.09.2015	406, 420 IPC and Sections 7A and 10 HDRUA Act
39164	0085	21.03.2015	406, 420, 120-B IPC and Section 10 HDRUA Act
39165	313	18.07.2015	406, 420 IPC

Petitioner Hem Singh Bharana has filed two second petitions under Section 439 Cr.P.C. for grant of regular bail in cases registered at Police Station Rajendra Park, Gurgaon, as under:-

CRM No.M- of 2015	FIR No.	Dated	Under Sections
40946	85	21.03.2015	Section 10 HDRUA Act read with 406, 420 and 120-B IPC
40948	261	16.08.2014	Section 10 HDRUA Act read with 406, 420 and 120-B IPC

Notice of motion was issued. Learned State counsel as well as learned counsel for victims/complainants appeared and contested the petitions.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that petitioners have been granted benefit of interim bail by this Court and a condition was also imposed to pay ₹10 crores per month to the allottees/aggrieved persons etc. At the time of arguments, it has been brought to the notice of this Court that more than ₹315 crores has been paid since then by the petitioners. Learned counsel for the petitioners argued that now insolvency proceedings have started and all assets have been taken over and now, the petitioner cannot dispose of any property and it is also argued that all the victims in the FIR, have been paid and even, so many allottees/non-allottees have also been paid as per order of this Court.

The petitioners are not required for any investigation or interrogation purposes. They are only to face trial. There is nothing on the record nor pointed out at the time of arguments that petitioners have ever misused the concession of interim bail granted to them a long time back. The trial of the case will take long time. No useful purpose will be served by sending and keeping the petitioners in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, all the petitions are allowed and the interim bail granted to the petitioners in all the petitions, are made absolute.

As the main cases are decided, therefore, criminal misc. applications, if any, also stands disposed of.

April 08, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No