

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

1. CRM-M-10396-2019

Rakesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-14956-2019

Shiv Avtar

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision: 11.04.2019

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Veneet Sehgal, Advocate
for the petitioner in CRM-M-10396-2019.

Mr. Ashok Kumar Khubbar, Advocate
for the petitioner in CRM-M-14956-2019.

Mr. Himmat Singh, DAG, Haryana.

Mr. Amitabh Tiwari, Advocate &
Mr. Aman Pal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions as
they arise out of the same FIR.

These petitions have been filed under Section 439 of the Code of
Criminal Procedure for grant of regular bail to petitioners Rakesh Kumar and

Shiv Avtar in case FIR No. 433 dated 01.12.2018, registered under Sections 120-B, 420, 447, 467, 468, 471 of the IPC at Police Station Sector 56, Gurugram.

Learned counsel, appearing for petitioner Rakesh Kumar, has submitted that petitioner was only a witness to GPA dated 05.01.2002, vide which, co-accused Manoj Kumar has given rights in favour of petitioner Shiv Avtar.

Learned counsel for the petitioner further submitted that petitioner is neither a beneficiary nor has any concern with the property in dispute as he has only appeared as a witness. It is further submitted that petitioner is a first offender and he is in judicial custody since 14.01.2019 and the investigation is complete, however, challan is yet to be presented.

Learned counsel, appearing for petitioner Shiv Avtar, has submitted that on the basis of GPA dated 05.01.2002, the property was sold to one Ved Parkash on 12.08.2002 who further sold it to one Seema on 08.12.2006 for a sum of ₹6 Lakh and Seema had further sold it to R. B. Yadav on 19.02.2010 for ₹6 Lakh and from R. B. Yadav and from R. B. Yadav, the complainant has purchased the plot on 08.06.2010 for a sum of ₹24 Lakh.

It is further submitted that petitioner Shiv Avtar is also in judicial custody since 14.01.2019 and he is not involved in any other case.

Learned counsel for the petitioners jointly submit that both the petitioners are ready to furnish an affidavit before the Court at the time of furnishing bail/surety bonds that they will not claim any right, title or interest over the property in dispute as they have no direct concern with the said property.

Learned State counsel, on instructions from the Investigating

Officer, has not disputed the factual position.

Learned counsel for the complainant have also not opposed the offer made by the petitioners regarding submission of an affidavit, before the Illaqua Magistrate at the time of furnishing bail/surety bonds, to the effect that the petitioners will not claim any right, title or interest over the property in dispute as they have no direct concern with the said property.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties and also in view of the fact that similarly situated co-accused Shiv Kumar has already been granted concession of regular bail, vide order dated 08.01.2019 passed by this Court in CRM-M-56039-2018, the instant petitions are allowed. Petitioners Rakesh Kumar and Shiv Avtar are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqua Magistrate concerned and also on their furnishing their respective affidavit to the effect that they will not claim any right, title or interest over the plot/property in dispute whereupon, as per complainant, a house stands constructed.

The petitioners will be produced before the Court and their affidavits will be attested by the Magistrate, before whom the bail/surety bonds shall be furnished.

A photocopy of this order be placed on the file of other connected case.

11.04.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*