

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

**Criminal Misc. No. M-50339 of 2018
Date of decision: 08.01.2019**

Rakesh Kumar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Rajesh Sheoran, Addl. A.G., Haryana
for the respondent-State.

Mr. D.S. Virk, Advocate
for the complainant.

Daya Chaudhary, J. (oral)

The present petition has been filed by petitioner-Rakesh Kumar under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.235 dated 05.09.2017 registered under Sections 120, 406, 420 IPC at Police Station Rania, District Sirsa.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. No agreement to sell was ever executed between the petitioner and the complainant. Even no amount was received by the petitioner and he is not the beneficiary. The petitioner is in custody since 02.04.2018 and the offence is triable by the Magistrate. After presentation of challan, charges have been framed. The petitioner is not previous convict. Two more cases of similar nature are pending against the petitioner and he is on regular bail in one case.

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Learned State counsel has not disputed the custody period as well as the fact that the petitioner is on bail in one case but has opposed the submissions made by learned counsel for the petitioner on the ground that two more cases of similar nature are pending against the petitioner and the petitioner may commit the similar offence in case, he is released on regular bail.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner on the ground that an agreement to sell was executed by the petitioner with the complainant whereas he was not owner of the land in dispute.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

Without commenting anything on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 02.04.2018; offence is triable by the Magistrate; the investigation has been completed and charges have been framed; the trial may take time to conclude, the present petition is allowed and the petitioner (Rakesh Kumar) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

08.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No