

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

CRM-M No. 51015 of 2018

Date of decision : 24.01.2019

Prikshet alias Happy

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Parminder Singh, Advocate for the petitioner.

Mr. R. S. Doon, AAG, Haryana.

* * *

DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 248 dated 18.08.2015 under Sections 406, 420, 409, 467, 468, 471, 201, 120-B of the Indian Penal Code, 1860, registered at Police Station – Butana, Distt. Karnal, during pendency of the trial.

Learned counsel for the petitioner submits that name of the petitioner was not mentioned in the FIR. Earlier said FIR was registered against co-accused Surinder Singh. Name of the other accused came during course of inquiry but no active role has been attributed to the petitioner. Learned counsel further submits that co-accused Surinder Singh has entered into compromise with the aggrieved party and sale deed executed by co-accused Surinder Singh in favour of vendee stand cancelled. On the basis of

that compromise, the entire amount has been returned. Co-accused Surinder Singh filed CRM-M No.15644 of 2016 for quashing of FIR, which has been allowed vide order dated 20.09.2018. Learned counsel also submits that the petitioner is in custody since 21.06.2017 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period but has opposed the bail on the ground that the property is of the State. He submits that out of total 45 prosecution witnesses, 13 witnesses have been examined.

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

By considering the submissions raised by learned counsel for the petitioner to the extent that name of the petitioner was not mentioned in the FIR; he is in custody since 21.06.2017; out of total 45 prosecution witnesses, 13 witnesses have been examined and trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

24.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No