

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

214

CRM-M-27302-2019 (O & M)
Date of Decision:05.07.2019

Krishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Vikramjit Singh, Addl. A.G., Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.282 dated 07.05.2017, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Badshahpur, District Gurugram.

Learned counsel for the petitioner contends that the allegations in the FIR are regarding selling a flat belonging to BPL category to the complainant on the strength of Will, General Power of Attorney for a sale consideration of ₹12lacs. The said property could not have been sold at least for a period of 3 years and the documentation regarding transfer of the property was found on forged documents.

Learned counsel for the petitioner contends that the petitioner was indicted on the basis of disclosure statement of accused Virender. According to him, the petitioner was not the beneficiary of the alleged sale of the flat and was shown as an attesting witness to the agreement between the parties. He submits that the amount of sale consideration was paid to

Rinku Panchal and Sumit Chutani, who have already returned a sum of ₹8

lacs to the complainant. He further contends that the petitioner is in custody since his arrest on 24.04.2019. He is not named in the FIR.

On the other hand, learned State counsel assisted by ASI Rajo has opposed the bail application on the ground that the petitioner was involved in the crime. However, it is not disputed that he was not the beneficiary of the alleged sale and even purchasers have returned some of the amount to the complainant. It is also not disputed that the petitioner is not required for any investigation. It is also not disputed that co-accused have already released on bail.

Considering the above background and the fact that trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

05.07.2019

sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No