

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

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CRM-M-29448-2019 (O & M)
Date of Decision:24.07.2019

Yashpal Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. S.K. Saini, AAG, Haryana.

Mr. Sanjiv Gupta, Advocate for the complainant.

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.224 dated 20.03.2017, under Sections 406, 420, 506 and 120-B IPC, registered at Police Station Chandi Bagh, District Panipat.

Learned counsel for the petitioner contends that the FIR was registered on 20.03.2017 and thereafter applications were given by the complainant under Section 156(3) Cr.P.C. According to him, petitioner was neither named in the FIR nor in the application filed under Section 156(3) Cr.P.C. before the Court of Learned ACJM, Panipat. He has submitted that the petitioner was falsely implicated in the present case and was arrested on 29.05.2019. According to him, the dispute is purely of civil nature and the civil suit is also pending. He further contends that the challan has been filed

and the trial is likely to take some time.

On the other hand, prayer is opposed by the learned State counsel as well as Mr. Sanjiv Gupta, Advocate appearing on behalf of the complainant. However, they do not dispute this fact that the name of the petitioner was not mentioned in the FIR and civil suit is also pending. According to the counsel for the complainant, the complainant has lost the title of the property without receiving any money and the petitioner was one of the property dealers, who committed the crime.

Learned State counsel submits that the challan in the present case stands filed.

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

The petition is allowed.

24.07.2019

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(MANOJ BAJAJ)
JUDGE

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