

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

226

CRM-M-38651-2019 O & M)
Date of Decision:17.09.2019

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manoj Kaushik, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, 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.474 dated 17.07.2018, under Sections 406, 420, 467, 468 and 471 IPC, registered at Police Station Suraj Kund, District Faridabad. Petitioner is in custody since his arrest on 14.03.2019.

The prosecution case is that a complaint was received from the office of Commissioner of Police, Faridabad to police station Surajkund on the averments that Ajay Soni and Krishan Kumar told the complainant that they will construct flats in collaboration with complainant and will share profits equally after sale of the flats. Based upon the discussion, the complainant advanced money to the accused persons on various occasions and in this manner Ajay Soni and Krishan Kumar (petitioner) took Rs.85,00,000/- from the complainant. Subsequently, it came to the knowledge of the complainant that the plot, whereupon construction was to be raised, stood declared as non-construction zone. Then he asked for

refund of Rs.85,00,000/- wherein he was assured that Rs.55,00,000/- would be adjusted in other project and Rs.30,00,000/- would be returned by Meera Gupta to the complainant. As per the complainant, the petitioner along with co-accused is alleged to have committed fraud with the petitioner worth ₹2 crores approximately in the name of property dealing business.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case as the complainant was one of the partners and since the property was declared non-construction zone, therefore, the construction could not commence. He submits that at best it is a dispute amongst the partners which is purely of civil nature. According to him, the investigation is complete as final report stood filed and charges have also been framed. According to him, petitioner is in judicial custody and his further detention may not be justified.

On the other hand, learned State counsel assisted by ASI Jai Karan has opposed the bail application. However, he does not dispute this fact that the investigation of the case is complete and final report stands filed.

Considering the above custody of the petitioner as well as 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.

17.09.2019

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(MANOJ BAJAJ)
JUDGE

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