

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

Decided on: 11.12.2019

1. CRM-M No.43210 of 2019

Subhash Chand

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.48810 of 2019

Vikram @ Vicky

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ashok Kumar Khubbar, Advocate
for the petitioner (in CRM-M-43210-2019)

Mr. Shish Pal Laler, Advocate
and Mr. Shubham Saroha, Advocate
for the petitioner (in CRM-M-48810-2019)

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these 2nd petitions is for grant of regular bail to the petitioners namely Subhash Chand and Vikram @ Vicky under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.81 dated 19.07.2018, for offence punishable under Sections 420, 406, 506, 120-B of the of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sadar Jagadhri, District Yamuna Nagar.

The first petition of the petitioner – Subash Chand was

dismissed as withdrawn on 24.12.2018 whereas the first petition of the petitioner – Vikram @ Vicky was dismissed as withdrawn on 16.09.2019.

Counsel for the petitioner(s) has argued that the petitioner – Subhash Chand was arrested on 14.02.2019 and the petitioner – Vikram @ Vicky was arrested on 24.02.2019. It is further argued that challan under Section 173(2) Cr.P.C. was presented on 02.03.2019 and charges were framed on 16.07.2019. It is also submitted that the case before the trial Court, for the first time, was listed for prosecution evidence for 29.07.2019 and till date, only 02 PWs have been examined (including the complainant) out of 21 PWs cited in the challan. Counsel for the petitioner(s) has, thus, argued that the petitioners are entitled to default bail as per the provisions of Section 437(6) Cr.P.C.

Counsel for the petitioner(s) has further submitted that as per the allegations in the FIR, the primary dispute is arising out of an agreement to sell and since the case is fixed for prosecution evidence, it will take long time in conclusion of the trial as the offences are triable by the Court of Magistrate.

Counsel for the State, assisted by counsel for the complainant and on instructions from SI Mehama Singh, has not disputed the dates as noticed above and argued that the complainant has already been examined.

Without commenting anything on merits of the case, considering the fact that challan stands presented; only 02 PWs have been examined, so far out of 21 prosecution witnesses and it will take

long time in conclusion of the trial, the present petitions are allowed and the petitioners namely Subhash Chand and Vikram @ Vicky are ordered to be released on regular bail subject to their furnishing bail/surety bonds.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioners are found misusing the concession of the bail.

(ARVIND SINGH SANGWAN)
JUDGE

11.12.2019

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No