

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

Criminal Misc.-M-31341 of 2020
Date of Decision: October 09, 2020

Ramesh Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Gupta, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.246 dated 12.06.2020, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station, Sector 32-33, Karnal, District Karnal. The petitioner is in custody since his arrest on 17.07.2020.

The above FIR was registered on an application dated 16.01.2020 made by Bharat Bhushan, Branch Manager, IFL, Housing Finance Company, Karnal, wherein it was alleged that one Ramesh Chand and his wife Guddi Devi approached the IFL Housing Finance Company in the month of July, 2018 for availing home loan for purchase of a constructed house and the said persons submitted an agreement to sell pertaining to a house measuring 223.45 sq.yards, situated at Patti Gadar, Kaithal owned by Smt.Kelo Devi and showed the house to the officials of the company. Technical report of the said house was done, wherein Ramesh

Chand was shown to be standing on the house depicting that the same belonged to him and acting on the assurances given by Ramesh Chand and Guddi Devi, the complainant company sanctioned and disbursed loan amount of Rs.19,12,082/- to the said persons for purchase of the constructed house and sale deed dated 03.08.2018 was executed in favour of Guddi Devi. Later on, the said persons started defaulting on their commitments and despite repeated demands, they failed to respond. Apprehending fraud, complainant company obtained a report from the Patwari and also enquired from the office of Sub-Registrar, when it was revealed that the property shown by said persons was not the same property which they had purchased and the house which they had purchased was only a vacant plot. The said persons wrongfully showed the house of one Ramesh and defrauded the complainant company. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the allegations in the FIR are regarding non-payment of the instalments to the finance company from whom the loan was taken by the petitioner. He submits that the offences are triable by the Magistrate and the investigation of the case is complete and, therefore, the further custody of the petitioner may not be necessary.

On the other hand, the prayer is opposed by the learned State counsel. However, it is not disputed by him that the investigation of the case is complete and the final report stands filed in the month of September, 2020, however, the trial is yet to commence.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has

been filed, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 17.07.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/Duty Magistrate, Karnal.

October 09, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No