

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32796-2020

DATE OF DECISION: NOVEMBER 10, 2020

CHANDI RAM

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SUSHIL BHARDWAJ, ADVOCATE
FOR THE PETITIONER.

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 12.6.2020, under Section 406, 420, 467, 468, 471, 120-B IPC, Police Station Sector 32-33, Karnal, District Karnal. The petitioner is in custody since his arrest on 28.8.2020.

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 their commitment 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, wherein it was revealed that the property shown by the 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 petitioner was not named in the FIR and has been indicted only on the basis of the disclosure statement made by co-accused Ramesh Chand who has already been granted the concession of regular bail by this Hon'ble Court on 9.10.2020. He further submits that 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. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State has opposed the aforesaid prayer. However, he, on instructions from SI Hari Kishan does

not dispute that the investigation of the case is complete.

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 28.8.2020 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, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 10, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No