

In virtual Court

CRM-M-42298-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42298-2020 (O&M)
Date of decision: 21.12.2020

Satish Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.130 dated 26.09.2019 under Sections 420, 467, 468, 120-B IPC, registered at Police Station Bhupani, District Faridabad.

Learned counsel for the petitioner submits that the petitioner is in custody since 06.09.2020 and challan stands presented. It is further submitted that prior to registration of the FIR, the petitioner and his brother had filed a civil suit on 27.03.2017 and now the present FIR has been registered just to give it the colour of criminal litigation. It is also submitted that primary

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allegations against the petitioner are that he along with co-accused namely Bishamber Singh, Vinod Kumar and Rambir have prepared an agreement to sell dated 18.03.2014, vide which the complainant has allegedly agreed to sell the property in favour of the petitioner. Learned counsel further submits that the said agreement to sell is already subject matter of civil suit and it will be a matter of evidence whether the complainant has received the money or not. It is next submitted that the offences are triable by the Court of Magistrate, therefore, it will be take long time in conclusion of the trial.

Learned State counsel has not disputed the factual position.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that prior to registration of the present FIR, the matter was already subjudice before the Civil Court, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.12.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No