

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

Sr. No.203

CRM-M-51743-2019

DATE OF DECISION: May 22, 2020

KAPIL SHARMA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.K. Tripathi, Advocate for
Mr. Gaurav Gupta, Advocate,
for the petitioner.

Mr. Vikrant Panboo, DAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 129 dated 06.03.2019 registered at Police Station Ballabgarh City, District Faridabad, under Sections 120-B, 406, 420, 467, 468 and 471 IPC.

2. Learned counsel for the petitioner submits that the petitioner was working as a typist in the office of Parshram and Pankaj Bhardwaj who are the main accused. They were involved in executing sale deeds in respect of land of the complainant in favour of 8 different persons which were subsequently found to be illegal as the complainant did not possess a registered sale deed in his favour. He had allegedly purchased the land through an agreement to sell only. The petitioner has been in custody since 03.08.2019, the challan has already been presented but not a single prosecution witness has been examined till date and the trial is not likely to be concluded any time in the near future. Thus, the petitioner may be granted regular bail.

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3. Learned State counsel opposes the prayer on the ground that the petitioner was equally culpable as the main accused Parshram and Pankaj Bhardwaj because there is evidence on the record to show that the complainant had transferred a sum of Rs.1,30,000/- in the account of the petitioner. He, however, does not dispute the fact that the petitioner has been in custody for over 08 months and that examination of witnesses has not yet commenced.

4. Whether the petitioner is guilty of having entered into a criminal conspiracy with the main accused or not is to be decided in the trial. Presently, the period of custody as well as the delay in conclusion of the trial are relevant for the purpose of bail.

5. Keeping in view the custody period as well as the fact that the offence is triable by the Magistrate in conjunction with the fact that examination of PWs has not yet commenced, I deem it appropriate to allow this petition and release the petitioner on regular bail.

6. Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Judicial Magistrate concerned.

May 22, 2020
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned *Yes*

Whether Reportable *No*