

261-1

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH.

CRM-M-4592-2021

Date of Decision: 22.03.2021

Narender Kumar

...Petitioner

V/S

State of Haryana and another

...Respondents

**CORAM: Hon'ble Mr. Justice B.S. Walia.**

Present: Mr. Deepender Singh, Advocate for the petitioner.  
Mr. Naveen Kumar Sheoran, DAG, Haryana.  
Mr. Anil Kumar Rana, Advocate  
for the respondent No.2/Complainant.

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**B.S. WALIA, J (VC):**

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during the pendency of the trial in case FIR No.617 dated 14.07.20217 registered under Sections 406, 420, 467, 468, 471, 120-B of IPC at Police Station Ballabhgarh, City, District Faridabad.
3. Learned counsel contends that initially a complaint had been filed by respondent No.2/complainant against the petitioner, co-accused Ram Chander Shah as well as Dinesh Kumar Pathak that he had purchased one flat bearing no.1485/LIG, Sector 61, Farbidabad from the petitioner, that the petitioner had got the sale deed bearing No.9333 dated 24.11.2015 executed in favor of Surya Narayan Mehto in the office of Sub-Registrar, Ballabhgarh through Ram Chander but the possession of the aforesaid flat was not given and the petitioner was avoiding handing over the possession

person was owner and in possession of the aforesaid flat and that said owner had not sold the said flat, therefore, cheating, forgery and misappropriation of money has been done apart from giving threat of life. Learned Counsel for the petitioner contends that the matter has been amicably settled between the parties vide compromise Annexure P-3 dated 15.01.2021.

4. Learned counsel for respondent No.2/complainant admits amicable settlement of the dispute between the petitioner and respondent No. 2 / complainant vide compromise Annexure P-3 dated 15.01.2021, as also that in terms of the compromise the complainant has been compensated by the petitioner besides possession of the flat in question has also been handed over by the petitioner to his nominee, Surya Narayan Mehta, and that now respondent No.2/complainant has no grievance nor any claim against the petitioner.

5. Learned counsel for the petitioner contends that the petitioner is in custody since 01.09.2020, challan has been filed, though charges are yet to be framed and conclusion of trial is likely to take long period of time, besides petitioner and respondent No.2/complainant have filed CRM-M-3565 of 2021 for quashing of the FIR and all consequential proceedings emanating therefrom on the basis of compromise Annexure P-3 dated 15.01.2021, therefore, no useful purpose would be served by keeping the petitioner in custody.

6. Learned DAG, Haryana has not disputed the aforementioned position as stated by the petitioner and as admitted by learned counsel for respondent No.2/complainant.

7. Accordingly, taking into account that the dispute amongst the

parties has been amicably settled as also that the petitioner is in custody since 01.09.2020, challan has been presented but charges have not yet been framed, conclusion of trial would take considerable period of time as also that possession of the flat, which was sold to the nominee of respondent No.2/complainant has also been handed over to the nominee of respondent No.2/complainant, besides respondent No.2/complainant has been compensated by the petitioner, petitioner and respondent No.2/complainant have filed petition for quashing of the aforementioned FIR and all consequential proceeding emanating therefrom on the basis of compromise Annexure P-3 dated 15.01.2021, I am of the considered view that no useful purpose would be served by keeping the petitioner in custody.

8. Accordingly, the petition is allowed. Petitioner- Narender Kumar is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

**(B.S. Walia)**  
**Judge**

22.03.2021.

*'Rajender'*

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