

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

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Date of Decision: *December 1st, 2021*

1.

Criminal Miscellaneous No.M-15434 of 2021

Rajpal @ Raju

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

...

2.

Criminal Miscellaneous No.M-15437 of 2021

Rajpal @ Raju

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

...

3.

Criminal Miscellaneous No.M-15480 of 2021

Rajpal @ Raju

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

...

CORAM:

HON'BLE MR. JUSTICE SANT PARKASH

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PRESENT: - Dr. Anmol Rattan Sidhu, Senior Advocate, with
Mr. Sukhcharan Singh Gill, Advocate, for the petitioner.

Mr. Amreek Singh Narwal, Deputy Advocate General,
Haryana for the respondent – State.

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Sant Parkash, J

This judgment shall dispose of a bunch of aforesaid three petitions as they involve same questions of facts and law.

For reference to facts, file of Criminal Miscellaneous No.M-15434 of 2021 titled 'Rajpal @ Raju vs. State of Haryana' is taken up.

The present petition has been preferred under Section 439 Cr.P.DC. for grant of bail to the petitioner in case FIR No.757 dated 28.07.2017 under Sections 406, 420, 120-B (Sections 417, 418, 423, 425, 464, 465, 467, 468, 471, 477A, 34 IPC added lateron), registered with Police Station, Sadar, Hisar.

FIR was registered on the complainant of Ranbir Singh son of Birkha Ram, to the effect that he was a tractor mechanic. He wanted to purchase a plot nearby Hisar City and came in contact with petitioner and his wife. They stated that they were running a society under the name and style of Shri Ram Welfare Samiti, Kaimri Road, Hisar which was registered at Serial No.116 with Haryana Sahkari Samiti Department and told that they used to sell plots to public. On the assurance of petitioner and his companions, complainant purchased a plot measuring 99 square yards @ 6500/- per square yards and payment was to be made in four installments. Allotment letter bearing membership No.106 dated 20.05.2007 was issued to the complainant on payment of sale price of plot No.78. On 14.02.2016, complainant visited the office of petitioner and co-accused and requested them to get the demarcation of his plot done as he wanted to raise construction but the matter was put off on one pretext or the other. Subsequently, complainant came to know that there was no society in the

names of petitioner and co-accused and they fraudulently cheated the complainant.

Learned counsel for the petitioner has submitted that he was the President of society names Shri Ram Welfare Society. He has been falsely implicated in the cases. Prosecution has not been able to conclude its trial. The maximum imprisonment which can be awarded by the court would be three years. The petitioner has already been granted the concession of regular bail by this Court vide order dated 01.03.2021 passed in Criminal Miscellaneous No.37981 of 2019. It is no more a *res-integra* that pendency of criminal cases is no ground to reject the bail application. Learned counsel has further submitted that petitioner is in judicial custody since 15.06.2019 in the present case and no useful purpose would be served by keeping him behind the bars. Allegations regarding sale of plot and acceptance of money from the complainant are against Bhoop Singh (co-accused) and petitioner is nowhere alleged to have ever represented that he was owner of the plot in question or had accepted any amount from the complainant. The petitioner has been in custody for the last more than 2 years, 5 months and 12 days.

Learned counsel for the State has opposed the prayer made in the petition that petitioner was President of the society and was hands in glove with the other accused including Bhoop Singh and it was with the active connivance that a forged transfer certificate was issued to the complainant after accepting huge amount. During the course of investigation it had surfaced that it was the petitioner who received the entire sale amount. Petitioner is involved in 6 other identical cases of cheating innocent persons. However, custody period of petitioner is not disputed as per the custody certificate dated 25.11.2021.

I have heard learned counsel for the parties and perused the record.

No doubt, there are as many as seven criminal cases of similar nature pending against the petitioner but at the same time, this Court also finds that petitioner as on date has been behind bars for a substantial period of more than 2 years and 5 months and conclusion of trial is likely to consume time. The offence is triable by the Magistrate-1st Class. Whether petitioner or whosoever is the main culprit is a matter of trial which cannot be decided in disposing of bail petition. As such, further detention of petitioner will not serve any useful purpose. Accordingly, the petitions are accepted and petitioner is ordered to be released on bail subject to his furnishing bail & surety bonds to the satisfaction of trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

**(Sant Parkash)
Judge**

December 1st, 2021

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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No