

CRM-M-18179-2021

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

CRM-M-18179-2021

Date of decision:07.10.2021

Naresh Kumar Sharma

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Shalender Mohan, Advocate,
Mr. Rajat Rathee and Mr. Ravinder Singh Saini, Advocates,
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

Mr. S.K.Kaushik, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.71 dated 20.01.2018, registered at Police Station Sadar Hisar, under Sections 420, 467, 468, 120-B, 471 read with Section 34 IPC.

Learned counsel for the petitioner contends that a plot was allotted to one Pawan Kumar on 26.12.2014, but due to non-payment, the said allotment was cancelled. Thereafter, the matter was placed before the Deputy Registrar (Cooperative Societies) in which the status quo was granted in favour of Pawan Kumar on 07.09.2017. Aggrieved thereagainst, the Society preferred an appeal before the Registrar (Cooperative Societies), who set aside the order passed by the Deputy Registrar and remanded the matter back to the Deputy Registrar on 06.03.2019. Thereafter, the Deputy Registrar had again passed the order in favour of Pawan Kumar and the matter was again referred to the Registrar

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(Cooperative Societies), who dismissed the same on 31.10.2019 and the matter is still pending adjudication before the revisional court. The challan has been presented and that the petitioner has been in custody since 30.01.2021.

The learned counsel for the petitioner further contends that the petitioner was not the President of the Society and has drawn the attention of this Court towards the report dated 03.07.2018 submitted by the Inspector (Cooperative Societies) to the Assistant Registrar, the relevant extract of the said report would read as under:

“After bare perusal of record of the society and statement given by the parties, it has been observed that plot No.20 Aggerwal Colony, Agroha was allotted to Sh. Pawan Kumar under membership No.4302 dated 05.04.2016 by the Society and the same was cancelled by the GBM of the Society on 26.02.2017 due to non-payment. Further the plot has not been re-allotted to anyone and stands with the Society and the land is registered on the name of Society on which the plot is situated. The Society was not made any registry of the Plot No.20, Aggerwal Colony, Agroha to anyone and the same has been accepted by Sh. Pawan Sharma.”

On the other hand, learned State counsel opposes the prayer made in the present petition. He draws the attention of this Court towards another inquiry report, which was conducted on the complaint filed by the petitioner addressed himself to be the President of the Society. The conclusion drawn by the DSP (Law and Order), Haryana that the ownership of plot No.20, Aggrewal Colony, Agroha, has not been found in the name

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i.e. the present petitioner. It is further submitted that in the report, it was opined that no truth had been found in the complaint submitted by President, Naresh Kumar. The Investigating Officer was directed to call the record and to initiate the proceedings in accordance with law.

I have heard the learned counsel for the parties.

It is a case in which the inquiry was conducted by the Inspector (Cooperative Society) and submitted his report on 03.07.2018, exonerating the petitioner, after the registration of the FIR. The challan has been presented. The petitioner has been in custody since 30.01.2021. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

07.10.2021

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No