

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRM-M-20878-2021

DATE OF DECISION: MAY 28, 2021

ROHIT THAKRAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. K.D.S. HOODA, ADVOCATE
AND MR. SUKHBIR SINGH HOODA, ADVOCATE
FOR THE PETITIONER.

MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.579 dated 17.9.2020, under Section 420, 419, 467, 468, 471, 212, 201, 120-B IPC, Police Station Sadar Gurugram. The petitioner is in custody since his arrest on 18.1.2021.

The FIR was registered on the statement of Murti Devi who stated that she is a widow and resides at H.No.85, Gupta Colony, Gurugram alongwith her son Satish Solanki. She has two sisters, namely, Laxmi Devi and Bala Devi. Her parental house is in Islampur, Gurugram and in respect of their land bearing No.465/A, 465/2/A at village Islampur, compensation amount was received by them, and no Release Deed of the said land was executed. But now they have come to know that Ajay has fraudulently got registered the said land in his name. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that as per the allegations, the land belonging to the complainant and her sisters was transferred in the name of their nephew (Ajay) on the strength of Relinquishment Deed executed in June, 2014 which was forged by him in connivance with petitioner Rohit Thakran. He submits that the dispute is between the family members and the petitioner has been falsely implicated and as the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by Inspector Bhoop Singh has opposed the aforesaid prayer on the ground that the land in question was in fact acquired by the State and the compensation of the same was deposited in the account of the complainant and other shareholders. Learned State counsel has pointed out that after forging the Relinquishment Deed, nephew of the complainant, namely, Ajay further sold the land in question by way of sale deed and out of total sale consideration, a sum of Rs.57 lakhs was deposited by him in the account of the petitioner.

At this stage, learned counsel for the petitioner submits that in respect of sale deed by Ajay there is no dispute raised by the purchaser and this transaction may not have any bearing upon the allegations and the alleged offence contained in the present case.

After hearing the learned counsel for the parties this Court is of the opinion that the investigation of the case is complete, but trial of the case is likely to consume considerable time. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the

State governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 18.1.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

Mary 28, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No