

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

**CRM-M-36634-2019
Date of decision: 03.08.2021**

Sanjay Jain

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Chand Ram Olla, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Aditya Sanghi, Advocate
for respondent No. 2/accused.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 482 Cr.P.C. read with Section 439(2) Cr.P.C., is for setting aside/cancellation of order dated 29.06.2019, passed by the Additional Sessions Judge, Hisar, vide which respondent No. 2/accused Vipul Garg was granted concession of regular bail in case FIR No. 123 dated 14.03.2019, registered under Sections 420, 426, 465, 467, 468, 471, 506 and 120-B of the IPC at Police Station Sadar Hisar, District Hisar.

The petitioner, who is the complainant in the aforesaid FIR, has filed the present petition with the allegations that the aforesaid order has been passed by the Additional Sessions Judge on wrong grounds. The petitioner,

prior to grant of bail to respondent No. 2, has filed an application dated 09.05.2019 before S. P., Hisar but no action was taken. Thereafter, another application was given by the petitioner.

Learned counsel further submits that the observations made in the order dated 29.06.2019 that there is no allegation of forgery against the accused is having bearing on the merits of the case.

Learned State counsel submits that the allegations in the FIR are that mother of the complainant has sold 32 Kanals of land to respondent No. 2/accused, however, he has usurped his other properties as well.

Learned State counsel further submits that charges have already been framed in this case and the case is now fixed for prosecution evidence.

Learned counsel for respondent No. 2/accused submits that the bail was granted to respondent No. 2 on 29.06.2019 and there is no allegation that in the intervening period of almost two years, he has either misused the concession of bail or has tried to flee from the process of law or extended any threat to any of the witnesses.

After hearing learned counsel for the parties, I do not find any ground to cancel the bail granted to respondent No. 2 as neither it is stated in the petition that respondent No. 2 has misused the concession of bail nor it is submitted by learned counsel for the petitioner that respondent No.2 has tried to influence the witnesses or has absented from the Court proceedings.

Accordingly, considering the fact that respondent No. 2 is on bail for the more than two years and the offences are triable by the Court of a Magistrate, the present petition is dismissed.

However, it is clarified that any observation made by the

Additional Sessions Judge in the order dated 29.06.2019, while granting concession of regular bail to respondent No.2, shall have no bearing on the merits of the case.

03.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No