

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

223

CRM-M-1740-2021 (O&M)

Date of Decision: 14.09.2022

VINOD KUMAR

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. KS Sidhu, Senior Advocate with
Mr. Dushyant Sarvesh, Advocate and
Mr. HS Dhindsa, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Vikas Bali, Advocate for the complainant.

HARNARESH SINGH GILL, J.(Oral)

CRM-20350-2021

Application is allowed, as prayed for.

Annexures R-1 to R-7 are taken on record, subject to all just
exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-15678-2022

Application is allowed, as prayed for.

Annexures A-1 to A-3 are taken on record, subject to all just
exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-M-1740-2021

Prayer in this petition is for grant of regular bail to the
petitioner in case bearing FIR No.267 dated 17.10.2020 registered under

Sections 420, 406 and 409 IPC, at Police Station Division-A, District Police Commissionerate, Amritsar.

Learned Senior counsel for the petitioner submits that the petitioner, a senior citizen, has falsely been involved in the present case; that a civil dispute, has been given a cloak of criminal proceedings and that the petitioner is the brother-in-law (Jija) of complainant-Arvinder Kumar and petitioner's wife-Smt. Dinesh Bala, is the real sister of the complainant. He further submits that the complainant moved to Germany in the year 1972 and has permanently settled there; that the complainant executed a General Power of Attorney (GPA) on 17.08.1998 in favour of the petitioner and that it was at the asking of the complainant and in the utmost good faith that the property in dispute was sold to Poonam Soni on 06.07.2020, whereas the present FIR was registered on 17.10.2020. Still further, it is submitted that the petitioner has been in custody for more than nine months and that it is a case of Magisterial trial.

Learned Senior counsel for the petitioner further submits that, without prejudice to his legal rights, the petitioner is ready to pay a sum of Rs.5,00,000/ to the complainant.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and the learned counsel for the complainant do not dispute the custody period of the petitioner. They, however, submit that the complainant is an NRI; that there is no clause regarding selling of the property in the GPA; that the petitioner has received total sum of Rs.38,00,000/- and out of the said amount, nothing

has been paid by the petitioner to the complainant. He further submits that post framing of the charges, the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody for more than nine months. As per the learned Senior counsel and without prejudice to his legal rights, the petitioner is ready to pay a sum of Rs.5,00,000/ to the complainant. It is a case of Magisterial trial. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

In case, the petitioner does not hand over the amount of Rs.5,00,000/-, as indicted above, to the complainant/his attorney by way of a demand draft, within 15 days from today, it shall be open to the complainant to move an application for cancellation of the bail granted to the petitioner.

14.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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