

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-14928-2022

Date of Decision : November 14, 2022

Surender Kumar Yadav

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manish Soni, Advocate, for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Arpandeeep Narula, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.129 dated 12.08.2020 registered under Sections 406, 420, 467, 468, 471, 506 & 120-B of the Indian Penal Code, 1860 at Police Station Gurgaon City, District Gurgaon.

Learned counsel for the petitioner argues that in the present case, the petitioner had entered into an agreement with the complainant on the basis of a general power of attorney for the sale of the land but, the said agreement was dependent upon another agreement where the petitioner was purchasing the same land from the owner. Learned counsel for the petitioner submits that the allegation being alleged that the petitioner entered into an agreement with the complainant with an intention to cheat is

yet to be proved and therefore, since the petitioner is only facing magisterial trial for which the maximum punishment is three years and the petitioner has already spent one year and eleven months behind the bars, the petitioner may kindly be allowed the concession of regular bail especially when the examination-in-chief of the complainant and other material witnesses has already been undertaken.

Notice of motion.

Mr. Rajesh Gaur, learned Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State. Mr. Arpandee Narula, Advocate, who is also present in the Court, accepts notice on behalf of the complainant.

Learned counsel for the respondent-State concedes the fact that the petitioner is behind the bars for the last one year and eleven months and the present is the case of magisterial trial having maximum punishment of three years imprisonment.

Learned counsel for the complainant submits that the complainant's life has been ruined by the petitioner as his hard earned money has been taken away from him and he has been left neither with his money nor with the proposed land and is suffering from grave financial difficulties. Learned counsel for the complainant further submits that keeping in view the said fact, the prayer of the petitioner for the grant of regular bail may kindly be declined as the cross-examination of the complainant is yet to be undertaken.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the allegation of the complainant that he was defrauded by the petitioner with clear intent, is to be proved on the basis of the evidence which will come on record and that the present is a magisterial trial for which the maximum sentence could be three years and the petitioner has already undergone one year and eleven months of custody upto now coupled with the fact that the petitioner has undertaken before this Court not to influence the trial or the witnesses in any manner, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 14, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes