

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(216)

CRM-M-20285-2022

Date of decision: - 17.05.2022

Jagir Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. G.C. Shahpuri, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.01 dated 03.01.2022, under Sections 323, 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Chhapar, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that the present case involves a civil dispute which has sought to be given a criminal colour. It is submitted that as per the case of the complainant there was an agreement dated 29.06.2021 with respect to the purchase of a plot in question and regarding the same, the possession was given to the complainant. It is further submitted that the alleged agreement is dated 29.06.2021 and the alleged incident of the complainant being beaten

occurred on 02.10.2021, whereas, the complainant has filed a complaint on 06.10.2021 i.e after a delay of 4 days from the date of the incident and has even filed a civil suit for declaration to the effect that the complainant is owner in possession of the plot in question and the said civil suit is pending. It is further submitted that the petitioner has been in custody since 01.04.2022 and as the entire dispute is based on documentary evidence, thus, no useful purpose would be served by keeping the petitioner in further incarceration. It is also submitted that in the present case there is no MLR and no injury has been caused to any person and the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for the grant of regular bail and has submitted that as per the allegations in the FIR, the petitioner has entered into an agreement with the complainant and thereafter, backed out from the same and also entered into an agreement with a third person for the same plot of land.

This Court has heard learned counsel for the parties and has gone through the paper-book.

In the present case, there is no MLR of any injured and there is nothing to show that any injury has been inflicted upon any person. The present case also has civil trappings, inasmuch as, the dispute is with respect to the agreement dated 29.06.2021, which, as per the FIR, has been entered into between the petitioner and the complainant with respect to a plot owned by the petitioner and regarding the same, the complainant has filed a civil suit, which is stated to be pending. The complaint in the present case has been filed on 06.10.2021 i.e., after a delay of four days

from the date of the alleged incident, whereas, the present FIR has been registered on 03.01.2022. The petitioner has been in custody since 01.04.2022 and no useful purpose would be served by keeping the petitioner in further incarceration as the entire dispute is based on documentary evidence. The petitioner is stated to be not involved in any other case.

Keeping in view the abovesaid facts and circumstances, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

It is however made clear that in case the petitioner influences or threatens any witness, then it would be open to the State to move an application for cancellation of bail of the petitioner.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

May 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No