

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22863-2021 (O&M)

Date of Decision: 02.02.2022

Jaimal

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Inderjeet Singh, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.220 dated 31.08.2020, under Sections 406 and 420 IPC, registered at Police Station Chhachhrauli, District Yamuna Nagar.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 12.02.2021 which is almost 11 months and the investigation of the case is already complete and the challan has been presented before the competent Court and the matter is now fixed for framing of the charges. He further submitted that it is a case where the complainant himself is a property dealer and he himself was rather

sponsoring the litigation between the petitioner and two more persons namely, Sanjiv and Parveen and for that purpose he has allegedly given some amount of money to the petitioner knowing fully well that there was litigation going on between the petitioner and the other two persons and the present dispute is purely a civil dispute, which has been given a criminal flavour. He further submitted that be that as it may in the present case after investigation of the case the challan has been presented and the case is triable by the Magistrate and the trial of the case may take long time and since he is facing incarceration from 12.02.2021 and, therefore, he may be considered for the grant of regular bail. He further submitted that the entire case is based upon documentary evidence and no recovery is to be effected from the petitioner. He further submitted that the complainant did not file any civil suit either for specific performance or any other civil suit against the petitioner and instead chosen to got this FIR registered against the petitioner in order to pressurize him. He further submitted that the petitioner is not involved in any other case and has clean antecedents.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct and the investigation of the case has been completed and challan has been filed and the petitioner is not involved in any other case. He has however opposed the grant of regular bail on the ground that the petitioner has cheated the complainant.

I have heard the learned counsel for the parties.

The petitioner is in custody from 12.02.2021 which is more than 11 months and the present case is triable by Magistrate and the

investigation of the case has already completed. The petitioner has clean antecedents and is not involved in any other case. In the present case an affidavit has also been filed by the State. A perusal of the affidavit and the submissions made by the learned State counsel does not suggest anything to show that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

All the miscellaneous applications, if any, shall be deemed to be disposed of since the main case has been disposed of.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

02.02.2022

rakesh

(JASGURPREET SINGH PURI)**JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No