

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22332-2022

DATE OF DECISION: JULY 5, 2022

SHAILENDER SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SUDHIR HOODA, ADVOCATE FOR THE PETITIONER.
MR. ANMOL MALIK, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.904 dated 20.11.2014, under Section 420, 467, 468, 471, 506 IPC, Police Station Model Town, Panipat, who is in custody since his arrest on 16.12.2021.

As per the allegations levelled by complainant Rajesh Saini in the complaint filed before the JMIC, Panipat, it was alleged that as the complainant was looking for some land to purchase, therefore, one Satpal, who was in the business of sale/purchase of land showed him the land of M/s Pooja Flour Mills belonging to Shailender Singh. Thereafter, they met Shailender Singh and entered into an agreement dated 30.8.2013, for purchase of 1800 sq.yds. of land of M/s Pooja Flour Mills, and the entire amount of Rs.30,60,000/- was paid to the petitioner. However, later on, it revealed that the petitioner never owned any such land and has duped the complainant. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that previously the petitioner was granted the concession of regular bail vide order dated 18.3.2015, however, during the trial proceedings, he absented and was

declared as Proclaimed Offender. He further submits that presently the petitioner is confined in judicial custody. According to him, the petitioner is not keeping good health and has further invited the attention of the Court to the medical report of the petitioner issued by Medical Officer, District Prison, Panipat, to submit that the petitioner is suffering from multiple ailments and is of advanced age. He prays for regular bail.

On the other hand, learned State counsel assisted by SI Surjit Singh while opposing the aforesaid prayer has argued that the petitioner was well aware of the trial, but never tried to join the same and deliberately kept himself away from the proceedings. According to him, there is every likelihood that the petitioner would again abscond and may not stand trial. Learned State counsel on instructions submits that out of total 19 prosecution witnesses, only 4 witnesses have been examined.

After hearing learned counsel for the parties, the custody of the petitioner, as well as the advanced age and health condition of the petitioner, this Court is of the opinion that conclusion of trial would consume considerable time and as the offences are triable by Magistrate, the further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

July 5, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No