

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

CRM-M-27180-2022 (O&M)

Date of decision: - 30.06.2022

Sukhbir Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.112 dated 10.08.2021, registered under Sections 406, 420, 506 and 34 IPC, at Police Station Alewa, District Jind.

Learned counsel for the petitioner has submitted that the present dispute has civil trappings, inasmuch as, with respect to the dispute in question, a civil suit had been filed by the complainant Dinesh against the present petitioner and his wife seeking specific performance of the alleged agreement to sell dated 21.10.2014 and the said civil suit is pending. It is further submitted that the entire case is based on documentary evidence and the petitioner has been in custody since

30.03.2022 and the challan has been presented and there are 14 prosecution witnesses, none of whom examined, thus, the trial is likely to take time and no purpose would be served by keeping the petitioner in further incarceration. It is further submitted that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the FIR, the petitioner after entering into agreement to sell with the complainant, has transferred the land in question in favour of co-accused Santosh and obtained a loan from a Bank.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 30.03.2022 and the challan has been presented and there are 14 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The dispute in the present case pertains to an agreement to sell dated 21.10.2014, which is stated to have been executed between the petitioner and the complainant and the same is also the subject matter in a civil suit filed by the complainant seeking specific performance in which the present petitioner and co-accused have been made parties and the said civil suit is pending. The entire case is based on documentary evidence and the present case is triable by magistrate, thus, no purpose would be served by keeping the petitioner in further incarceration.

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.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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.

Pending miscellaneous application(s), if any, stand disposed of in view of the abovesaid order.

June 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes