

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31283-2022
Date of decision : 03.08.2022

Ashok Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.K.S.Dhaliwal, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

Mr.Gaurav Jangra, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.67 dated 09.03.2022 registered under Sections 406, 420, 506 IPC at Police Station Civil Lines Jind, District Jind.

Learned counsel for the petitioner has submitted that the present case has civil trappings and that the petitioner has been roped into the present case on account of being the brother of Satish Kumar Chahal. It is further submitted that the agreement referred to in the complaint, has been annexed as Annexure P-2 and in the said agreement, the petitioner is not even a party and the same is between the complainant Geeta and Satish Kumar Chahal and it is Satish Kumar Chahal, who had undertaken to return the investment made by the complainant. It is further submitted that the petitioner has been in custody since 08.04.2022 and challan has already

been presented and there are 15 witnesses, out of whom, none have been examined and thus, the trial is likely to take time. It is also submitted that the petitioner is not involved in any other case.

Learned State counsel as well as learned counsel for the complainant, on the other hand, have opposed the present petition for regular bail and have submitted that there are specific allegations levelled in the FIR to the effect that the money has been deposited in the joint account of the petitioner and his brother Satish Kumar Chahal and in spite of specific promise made by them to the complainant, the money has not been returned. It is also submitted that a complaint against the present petitioner was made by one Rajbir and the petitioner had compromised the matter with him before the FIR could be registered.

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

The petitioner has been in custody since 08.04.2022 and the challan has been presented and there are 15 witnesses and none of them have been examined and thus, the trial is likely to take time and no other FIR has been registered against the present petitioner. The dispute in the present dispute has civil trappings and the agreement dated 31.08.2020, which has been referred to in the present FIR, has been annexed as Annexure P-2 and a perusal of the same would show that the petitioner is not a party to the said agreement and it is Satish Kumar Chahal, who had undertaken that he would return the investment of the complainant Geeta.

Keeping in view the above said 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.

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.

(VIKAS BAHL)
JUDGE

August 03, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No