

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CRM-M-33861 of 2022

Date of Decision:22.09.2022

Akshay

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj Kumar Pundir, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

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.480 dated 01.05.2019, under Sections 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station City Jagadhri, District Yamuna Nagar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 07.03.2021 which is almost 1½ years. He submitted that the investigation of the case has already been completed and after framing of the charges five prosecution witnesses have been examined. He further submitted that this case is triable by a Magistrate and even otherwise also the petitioner was only the person in whose favour the sale deed has been executed and he was only a bonafide purchaser. Therefore, the petitioner may be considered for grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana

has stated that it is correct that the investigation of the case has been completed and no recovery is to be effected from the petitioner. He submitted that it is also correct that the petitioner has faced incarceration for 1½ years and only five prosecution witnesses have been examined till date. He has however opposed the grant of bail to the petitioner on the ground that the petitioner in connivance with the other co-accused have entered into a conspiracy as well by which impersonation was done by the purported seller.

I have heard the learned counsel for the parties.

During the course of arguments, it was also stated that the other co-accused namely Anu who is stated to have impersonated has been granted bail by this Court. The present case is triable by a Magistrate and the petitioner has faced incarceration for about 1½ years. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence the witness or tamper with evidence.

In view of the aforesaid position, 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.

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

(JASGURPREET SINGH PURI)
JUDGE

September 22, 2022
dinesh

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