

CRM-M-46982-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-46982-2021

Date of decision: 13.01.2022

Capt. Rakesh Rehani

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mehar Singh, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.176 dated 02.09.2021, registered at Police Station Urban Estate Patiala, under Sections 419 and 420 IPC.

As per the prosecution version, the petitioner had received Rs.41,315/- from one Col. Varinder Singh Jeji, owner of plot No.4296 Phase-II, Urban Estate, who was constructing an adjoining wall to the house occupied by the petitioner, but owned by Major Harbans Singh Chandok, who is residing abroad. When the complainant confronted the petitioner, he claimed himself to be the owner of the house and disclosed that he had kept the documents of ownership in the locker.

Learned counsel for the petitioner contends that wife of the petitioner was residing as a tenant in a house, owned by one Harbans Singh

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Chankok, who is residing abroad; that the wife of the petitioner has since filed a civil suit pending in the Civil Court at Patiala, that the petitioner has been in custody for the last more than 3½ months, and that the challan stands presented. So far as FIR No.164 dated 06.04.2009, Police Station Kotwali, Patiala, registered against the petitioner, is concerned, the same stands quashed, vide order dated 15.12.2018 passed in CRM-M-16169-2018, and FIR No.09 dated 13.01.2013, Police Station Urban Estate Patiala, he stood acquitted on 05.03.2018 by the trial Court.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner for the grant of bail, submits that the petitioner posed himself to be Capt. K.V.S.Sandhu, but in fact, his actual name is Rakesh Rehani, who is having a dispute with the original owner of house No.4297, and thereby, he had cheated the complainant; that the petitioner received an amount of Rs.41,315/-, from the owner of plot No.4296, in lieu of a common wall, and that there are two other cases registered against the petitioner. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The dispute is with regard to the receipt of the amount of Rs.41,315/- on behalf of owner of house No.4297, who is residing abroad, but the fact remains that the challan stands presented and that the petitioner has been in custody for the last more than 3½ months. In such scenario, trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. As noticed above, as far as two other cases registered against the petitioner, are concerned, he stands acquitted in one case and the another, stands quashed.

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In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

13.01.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No