

104.

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

CRM-M-43832-2020

Date of Decision: 02.02.2022

ANSHUL JAIN

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Akshat Gupta, Advocate,
for the petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.22, dated 20.01.2020, registered under Sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Sector 53, Gurugram (Haryana).

Learned counsel appearing on behalf of the petitioner would contend that it would be a matter of trial whether the petitioner herein had genuinely entered into an agreement to sell to represent himself to be an owner or not. It is submitted that there is an allegation that he had received an amount of Rs.1.5 crores in lieu of the property to be sold in Dubai to the complainant. It is further submitted that out of the said amount of Rs.1.5 crores, an amount of Rs.95 lakhs has already been recovered by the complainant. The petitioner herein is in custody since 15.08.2020 and the

investigation stands concluded and the charges framed. However, as on date, out of 21 prosecution witnesses cited, no one has been examined and the trial is not likely to conclude in a hurry. It is further submitted that the dispute arises out of a commercial transaction.

On the other hand, learned State counsel opposes the grant of regular bail to the petitioner referring to seriousness of the allegations, however, is not in a position to dispute the fact that the charges have been framed.

I have heard learned counsel for the parties and keeping in view the fact that since the petitioner is in custody since 15.08.2020 and the matter stands investigated, charges framed, his further custody would no longer be required. Moreover, the trial in the case will take some time to conclude as no witness has been examined so far out of the total 21 witnesses cited.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a sum of Rs.2 lakhs with one surety of like amount to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

02.02.2022
sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No