

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.209

Case No. : CRM-M-49563-2022

Date of Decision : December 12, 2022

Kamlesh		Petitioner
vs.		
State of Haryana		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Ashok K. Sharma (Bhana), Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.77 dated 18.03.2021, under Sections 406, 420, 506, 34 IPC (Section 201 IPC added later on), registered at Police Station Civil Lines, Jind, District Jind.

Learned counsel for the petitioner states that the petitioner is a lady aged about 55 years. The matter is of civil nature but has been given a criminal colour whereas no criminal liability can be fastened upon the petitioner. Moreover, the complainant party has already filed a Civil Suit, which is pending. It has further been stated that the petitioner is in custody since 15.09.2022 and as the completion of trial is likely to take a long time, the petitioner be released on bail.

Learned State Counsel, on the other hand, states that intention of the petitioner and her co-accused was to cheat the complainant at the time

of execution of the agreement. The subsequent conduct of the petitioner also proved that her intention was to cheat the complainant and consequently, the complainant was cheated.

Heard learned counsel for the parties and perused the case file.

The dispute between the petitioner and the complainant is with regard to execution of agreement to sell dated 07.03.2019 (Annexure P-2). The complainant party has already filed a Civil Suit for possession by way of specific performance of the agreement dated 07.03.2019 (Annexure P-4).

Keeping in view the fact that the petitioner is in custody since 15.09.2022 and the completion of trial will take a long time and that the petitioner is a widow lady, no useful purpose would be served by keeping her behind the bars for long.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Illaq Magistrate/Duty Magistrate, Jind.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

December 12, 2022

monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>