

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

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**CRM-M-55709-2022 (O&M)
Date of decision: 06.12.2022**

Sanjeev Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Gurbir Singh Dhillon, AAG Haryana.

Mr. Himanshu Malik, Advocate for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 0008 dated 09.01.2021 registered under Sections 406, 420 IPC, at Police Station Butana, District Karnal. The first bail petition was dismissed as withdrawn vide order dated 31.08.2022 passed by this Court.

Learned counsel for the petitioner submits that the allegations against the petitioner is that an agreement to sell was executed by the petitioner on 01.07.2019 and received an amount of Rs. 12 lakh as earnest money through cheque from the complainant and encashed the same; that the petitioner has been in custody since 20.12.2021; that after withdrawal of the first bail petition, the matter has been compromised between the parties and the entire due amount has been paid by the petitioner to respondent No.2 and that the petitioner is not involved in any other case.

Learned counsel appearing for respondent No.2 does not dispute the factum of compromise and receipt of entire amount by respondent No.2.

Learned State counsel, while vehemently opposing the prayer for bail, submits that it is a clear-cut case of cheating by the petitioner to the complainant. The petitioner entered into an agreement to sell with the complainant and received an amount of Rs. 12 lakh from him but did not execute the sale deed. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that the challan has been presented but the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 20.12.2021. The matter has been compromised between the parties and the entire due amount has been paid by the petitioner to respondent No.2. Moreover, there is no other case against the petitioner. The charges have not been framed as yet. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

06.12.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No