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

CRM-M-58333-2022

Date of Decision: 20.12.2022

Vikrant Singla

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gursimran Singh Madaan, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.218, dated 28.05.2022, under Sections 406, 420, 467, 468, 471 & 506 IPC, registered at Police Station Central Faridabad.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 22.08.2022 and the allegations contained in the FIR are primarily of civil in nature, which has been given criminal flavour. He further submitted that as per the allegations, the petitioner had entered into an agreement to sell with the complainant and he had allegedly taken an amount of Rs.1 crore and 35 lacs out of which Rs.15 lacs were paid by way of bank transfer and the remaining were paid allegedly by way of

cash despite the fact that he was not the owner of the land, and thereafter, the owner of the land, namely, Basheer Khan himself entered into an agreement to sell/MOU with the complainant. He further submitted that the petitioner is a property dealer and he had acted at the behest of the aforesaid Basheer Khan but thereafter, the intention of Basheer Khan had turned dishonest due to which the financial dispute arose which has now been given a criminal flavour. He further submitted that be that as it may, the petitioner has already faced incarceration for about 4 months and the police has already completed the investigation and thereafter, challan has also been presented before the competent Court and the present case is triable by the Magistrate and the trial of the case may take long time, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned DAG, Haryana has submitted that it is correct that the petitioner is in custody since 22.08.2022 and the present case is triable by the Magistrate and the police has already completed the investigation. He has however opposed the grant of regular bail to the petitioner on the ground that as per the allegation, the petitioner had forged the MOU and he is also involved in one more case under Section 420 IPC.

I have heard the learned counsel for the parties.

It is a case where the investigation of the case has already been completed and the present case is triable by the Magistrate. The petitioner has faced incarceration for about 4 months and the allegations pertain to a financial dispute between the parties. During the course of arguments, learned counsel for the petitioner has also pointed out that the petitioner has

also filed a suit for injunction against the aforesaid Basheer Khan at whose behest he had executed an agreement to sell and thereafter the intention of the aforesaid Basheer Khan had turned dishonest and the aforesaid suit for injunction is still pending. The mere fact that the petitioner is involved in one more case under Section 420 IPC cannot become a bar for considering the grant of regular bail to the petitioner particularly in view of the fact that in the present case, the investigation of the case has been completed and challan has also been presented and the present case is triable by the Magistrate. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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.

20.12.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |