

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-1401-2023 (O&M)
Decided on : 30.05.2023

Sukhdev Kumar

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to petitioner, namely, Sukhdev Kumar, aged 50 years, who has been booked for having committed the offences punishable under Sections 420 and 506 IPC in case FIR No. 214 dated 23.08.2022, registered at Police Station Division No. 5, Ludhiana, Punjab.

2. Learned counsel for the petitioner submits that agreement to sell was executed on 17.04.2017 in regard to a piece of land measuring 33 square yards and as per allegation, petitioner received an amount of Rs. 2,50,000/-. However, said agreement to sell was later on cancelled. Thus, counsel submits that for an agreement to sell dated 17.04.2017, complainant got lodged the FIR on 23.08.2022, which undoubtedly is much belated. Allegation and story put forth by way of an FIR is false and concocted one.

3. Counsel further submits that investigation is already complete and final report under Section 173 (2) Cr. P.C. has also been submitted to the Court concerned. Trial is not likely to be concluded in near future. Moreover,

keeping the petitioner inside jail for an indefinite period would not serve any purpose to the prosecution.

4. Counsel also submits that apart from the present case, there is one more case against the petitioner registered under Section 420 IPC, but he has not been convicted by any Court.

5. It is also submitted that entire dispute is of civil nature, which has been given colour of a criminal case.

6. On the other hand, learned State counsel submits that petitioner has defrauded the complainant and such offences are rising in the society day by day, thus, petitioner does not deserve any sympathy in the form of granting concession of bail.

7. However, Mr. Anmol Singh Sandhu, AAG, Punjab, on instructions from ASI Rakesh Kumar, states that petitioner is inside jail for more than 07 months and he does not dispute the statement of counsel for the petitioner that petitioner has not been convicted in any criminal case.

8. I have considered the submissions addressed by learned counsel for the petitioner as well as by the State and after noticing the submission addressed and recorded here above, I am of the view that petitioner could not be forced to remain inside jail for an indefinite period, more for the reason that it is a case of magisterial trial and conclusion of trial would take long time. As stated by learned State counsel, all the 11 prosecution witnesses are yet to be examined.

9. Accordingly, **present petition is allowed** and petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Observations made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

11. Disposed of.

(SANJAY VASHISTH)
JUDGE

30.05.2023

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