

RAJEEV KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikas Gulia, Advocate with
Mr. Bhanu Udai, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 518 dated 22.11.2017 under Sections 120-B, 406, 420, 506 IPC (Section 506 deleted later on), registered at Police Station Kaithal City, District Kaithal.

Custody certificate has been taken on record.

Learned counsel for the petitioner contends that precisely the allegations in the FIR are to the effect that Kanta, the wife of the complainant had purchased the property in dispute from Sunita Rani, the mother of the petitioner on 15.11.2017. At the earlier instance, Sunita Rani had executed a sale deed in favour of Kamlesh on 22.02.2016. It has been submitted that the petitioner is neither the owner of the property which was allegedly sold nor he is beneficiary of the transaction. The petitioner is not, in any manner, privy to the sale deed in favour of the wife of the complainant. The petitioner is in custody for a period of 1 year and 25 days.

Learned State counsel has resisted the bail application on the score that the petitioner is the son of Sunita Rani who had allegedly executed fraudulent sale deed in favour of the wife of the complainant and the sale consideration was to the tune of Rs.10,40,000/-. Moreover, the petitioner is involved in another case under Sections 406 and 420 IPC.

Be that as it may, the petitioner is in custody for a period of 1 year and 25 days. It has been submitted that out of 22, only 4 witnesses have been examined till date. The petitioner is neither the owner nor beneficiary of the sale deed in favour of the wife of the complainant. There is nothing to indicate that any amount of sale consideration has been transferred in the account of the petitioner or paid to him. The offences are triable by the Magistrate First Class and the investigation of the case is complete. The conclusion of trial is likely to take some time. No fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

24.01.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No