

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
228

CRM-M-5661-2023

Date of Decision: 17.04.2023

Rajeev

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Vikas Gulia, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 556 dated 14.12.2017 registered under Sections 406 and 420 IPC at Police Station Kaithal City, District Kaithal.

Briefly, the aforesaid FIR was registered against the petitioner and his co-accused at the instance of complainant-Aman Kirti, on the allegations that he in connivance with his co-accused had cheated the complainant by taking him in confidence/assurance and usurped Rs.20,25,000/- from him in respect of house No. 35/6, Sethan Mohalla, Kaithal of which they were not owners.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. He was neither the owner of the property which was allegedly sold to the complainant nor the beneficiary of transaction. He is only the attesting witness of the sale

deed in question. The dispute between the parties is of civil nature. Nothing has to be recovered from him. Out of total 13 prosecution witnesses, 06 have already been examined by the trial Court including the complainant and eye-witness. Petitioner is in custody since 14.01.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other land, learned State Counsel has opposed the submission made by learned counsel for the petitioner.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that petitioner is neither the owner of the property in question nor beneficiary of the sale deed executed in favour of the wife of the complainant, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Rajeev, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

17.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No