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2023:PHHC: 055023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13231-2023 (O&M)
DECIDED ON: 19.04.2023

RANVIR KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Harmeet Singh Oberoi, Advocate
for the petitioner.

Mr. Gurbir S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-16368-2023

Allowed as prayed for and copies of zimni orders of the trial Court
proceedings are taken on record.

Main Case

In the instant petition, petitioner seeks regular bail under Section 439
Cr.P.C., in FIR No. 443 dated 13.12.2019 under Sections 419, 420, 467, 468,
471, 120-B IPC, registered at police Station Sushant Lok, District Gurugram has
been filed for grant of regular bail.

Learned counsel for the petitioner vehemently contends that as a
property dealer, he was promised his part of fee on account of the
transactions/sale/purchase of the land in question. On account of the said
transaction, the total amount of Rs. 1.97 crore was deposit in his account, which
he withdrew and returned back to the persons to whom it belonged and it has

been categorically stated before this Court that he kept only Rs. 1 lac, which was his legal entitlement as fee for working as a property dealer to facilitate the sale transaction between the complainant and co-accused namely Ayush S/o Sh. Rakesh Garg and Subhash Chand Arora.

It is also his arguments that the challan was filed way back on 17.08.2021 and till date the charges have not been framed, which clearly shows that the trial is not proceeding and the matter is likely to consume long time.

Notice of motion.

On the asking of the Court, Mr. Gurbir S. Dhillon, AAG, Haryana accepts notice on behalf of State and has produced custody certificate with the assertion that the petitioner is the main accused and in his account an amount of Rs. 1.97 crore was deposited and he has usurp the whole amount.

Considering the fact and submissions made by learned counsel for the petitioner that he has retained only Rs. 1,00,000/-, which was legally due to him as fee for facilitating the sale and purchase of the land in question and has served for 02 years, 02 months and 09 days in custody, wherein the charges have not been framed after a lapse of almost little less than 2 years for the date of filing of the challan and the trial is going to take long time, which will curtail his right to personal life and liberty under Article 21 of the Constitution of India and a right to fair and speedy trial. He cannot be permitted to be in custody for an unlimited period, considering the principle of bail is the rule and jail is the exception.

In the light of the aforesaid discussion and reasons made herein

above, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate, Gurugram.

The present petition is, therefore, allowed.

19.04.2023

manoj

(SANDEEP MOUDGIL)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No