

2023:PHHC:087653

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM M-19361 of 2023

Date of Decision: July 13, 2023

Ashok Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ramesh Hooda, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 466 dated 04.12.2021 under Sections 420, 467, 468, 471 and 120-B IPC registered at Police Station Chandimandir, Panchkula.

2. The present case was registered on the basis of complaint moved by one Thomas Abraham, Director DAP Farms Pvt. Ltd., by alleging that M/s SAP Farms Pvt. Ltd., a duly registered Company had purchased land in village Bhoj Jabyal, Tehsil Morni by virtue of various registered sale deeds dated 26.10.1987 through one of its directors Parvinder Dip Singh Sahney and the mutations were sanctioned in this regard on 29.10.1987. The complainant further alleged that Parvinder Dip Singh Sahney had expired on 11.12.1987 and the company was continuing as exclusive owner in possession of

the said land. However, it came to the notice of the Company that a sale deed dated 19.10.2021 had been registered in the office of Sub-Registrar in respect of the same land and the same was executed by Smt. Jaswinder Kaur claiming to be the GPA holder of Sh. Parvinder Dip Singh Sahney. Even, the GPA is stated to have been executed at Ghaziabad on 28.09.2021. It has been alleged that Smt. Jaswinder Kaur had executed the registered sale deed No. 392 dated 19.10.2021 in favour of the present petitioner for a sum of Rs. 32.40 lacs, which is shown to have been paid through the cheque.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. By placing reliance on the law laid down by the Hon'ble Supreme Court in **Criminal Appeal No. 1695 of 2009 (arising out of SLP (Crl.) No. 6211 of 2007) titled as Md. Ibrahim and others Vs. State of Bihar and another**, learned counsel for the petitioner contends that no offence as alleged is made against him. The petitioner was arrested in the present case on 10.11.2022 and the challan has been presented before the Court. Learned counsel further contends that the next date of hearing before the learned trial Court is fixed on 17.07.2013 for framing of charges and disposal of the case may take quite a long time.

4. The learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that he

is the main beneficiary in the present case and doe not deserve the concession of bail.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. It is not in dispute that the petitioner was arrested on 10.11.2022 and the investigation is complete in all respects. Since, the charges are yet to be framed on 17.07.2023; the trial is yet to commence before the learned trial Court and his custody would serve no meaningful purpose. Without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

July 13, 2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No