

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24825 of 2023(O&M)
Date of Decision: 19.05.2023

Sunil Mishra & Anr.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Keshav Pratap Singh, Advocate
For the petitioner.

Mr. Vishal Kashyap, AAG Haryana.

Mr. Nishant Raj, Advocate
For the complainant.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioners under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 248 dated 22.03.2023, registered under Sections 406, 420 read with Section 34 IPC at Police Station Sadar Karnal.

2. As per the allegations recorded in the FIR complainant took premises in question on lease from M/s CHD Hospitality Private Limited. That at the time of execution of lease deed, the owner/ lessor did not disclose the fact that bank loan was taken against the said property. That after execution of the lease deed complainant spent huge amount before starting his business in the said premises and later on the concerned bank initiated proceedings in DRT as lessor defaulted in making repayment of bank loan.

In this manner, the accused persons committed cheating with the complainant.

3. The counsel for the petitioners submits that the petitioners were employees of lessor and have nothing to do with the lease agreement and there was no intention on the part of the petitioners to defraud anyone. The counsel for the petitioners further submits that the petitioners are in custody for the last more than 01 month and are having no criminal history and that now matter has been compromised between the parties. So, prayer is made that the petitioners be released on bail.

4. Notice of motion.

5. Mr. Vishal Kashyap, AAG Haryana accepts notice on behalf of the State and has resisted the present petition.

6. Mr. Nishant Raj, Advocate has put in appearance on behalf of the complainant and has admitted that matter stands compromised between the parties and is having no objection if the present petition is allowed.

7. Apparently, it appears that dispute arose between the parties with regard to term and conditions of lease agreement dated 07.07.2021. The petitioners who are stated to be employees of the lessor were arrested and are in custody for the last more than 01 month and are presently lodged in judicial custody. Further, it appears that now the matter has been compromised between the parties. In the given circumstances, no purpose is going to be served by detaining the petitioners in custody for any longer period.

8. In light of above, without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released

on bail subject to their furnishing bail bonds/surety bonds to the satisfaction
of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.05.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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