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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 43486 of 2023 (O&M)

Date of Decision:- 16.11.2023

AMIT SAROHA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ashwani Bakshi, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

Mr. Parveen Sharma, Advocate for the complainant.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0177	04.05.2023	120-B, 406, 420, 467, 468, 471 and 506 IPC	Sonipat Sadar, District Sonipat

2. Brief facts of the case putforth by the prosecution is that on 04.05.2023, accused Amit @ Leela has fradulently got the land of complainant’s brother registered in the name of Poonam wife of Kuldeep without paying sale consideration and forging the documents by obtaining the signatures on blank papers, and hence the FIR was registered.
3. It is *inter alia* contended by the learned counsel for the

petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that Poonam vendee of the land in question had filed a suit for permanent injunction (Annexure P-5) against vendor Bijender and thereafter the FIR was registered against the petitioner. He submits that the petitioner is neither party to the agreement to sell or the sale deed nor witness and the only attribution to the petitioner is that he took pictures of his brothers with the sale consideration as a proof of payment and the same does not constitute any offence. The petitioner is in custody since 13.05.2023, challan has been presented in the Court, charges have been framed, and conclusion of trial will take sufficient long time, as such prays for grant of concession of bail.

4. Learned State counsel assisted by the learned counsel for the complainant on the other hand, opposed the bail application by submitting that the petitioner was involved in the aforesaid case and was arrested on 13.05.2023. Admitted that challan has been presented in the Court, charges have already been framed and there are 28 witnesses in the present case and all of them are yet to be examined. They prayed for dismissal of the petition.

5. Considering the facts and circumstances as discussed above and perusing the record, it transpires that the petitioner is in custody in this case since 13.05.2023, challan has already been presented in Court and charges have been framed. As stated by learned State counsel out of 28 witnesses none of the witnesses have been examined till date. Further it is not disputed that the petitioner is neither party to the agreement or sale deed nor he is signatory thereof in the capacity of a witness there to. Moreover he is not alleged to be beneficiary of the said transactions. Therefore, no useful

purpose would be served by detaining the petitioner in custody any longer, as the conclusion of trial will take sufficient long time and criminal liability, if any, would be determined after conclusion of trial.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

16.11.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No