

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-43450-2023 (O&M)
Date of decision: 15.09.2023

Nempal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manoj Tanwar, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

Mr. Saurabh Sheoran, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.234 dated 05.07.2023 registered under Sections 420, 467, 468, 471, 120-B, 506 IPC at Police Station Sadar Mahendergarh.
2. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that on 28.11.2022 an agreement to sell was executed by Gayatri Sharma and Lalit Sharma with the petitioner and other co-accused, to sell their property; that on 30.12.2022, the petitioner and other co-accused entered into an agreement to sell regarding some portion of land, out of the land purchased from Gayatri Sharma, with the

complainants; that Gayatri Sharma and Lalit Sharma, instead of executing the sale deed in favour of the petitioner and other co-accused, executed the sale deed on 13.04.2023 in favour of others without informing the petitioner and other co-accused; that the petitioner has not played any fraud with the complainants and rather he and other co-accused are the victims; that the petitioner has been in custody since 05.07.2023 and that now the matter has been compromised between complainant and petitioner along with other co-accused and the due amount has already been paid to the complainant and the cheque(s) given to the complainant has already been got encashed.

3. Learned counsel for the petitioner further submits that the petitioner and other co-accused with the consent of the complainant are in the process of filing a petition for quashing of the FIR on the basis of the compromise.
4. Learned State counsel and learned counsel for the complainant do not dispute the factum of compromise. Learned counsel for the complainant has also placed on record the affidavit (Hindi version) executed by complainant-Sudesh Kumar, which is taken on record. Learned State counsel does not dispute the custody period of the petitioner.
5. I have heard the learned counsel for the parties.
6. The petitioner has been in custody since 05.07.2023. The matter has been compromised between complainant-Sudesh Kumar and petitioner as well as other co-accused. Hence, no useful purpose would be served by keeping the petitioner behind the bars.
7. In view of the above, without commenting anything on the

merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

15.09.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No