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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-7733 of 2023
Date of decision:- 25.01.2024

MUSKAN HOODA

Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Simranjeet Singh, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Aditya Jain, Advocate with
Mr. Rahul Vohra, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
273	20.12.2022	419, 420, 467, 468, 471, 120-B IPC	DLF Phase-1, Gurugram, District Gurugram

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case.

He submits that as per case of the prosecution, petitioner herself impersonated as Gauri Murti and contacted the complainant for sale of plot in question and got executed sale deed dated 18.12.2022 in respect of plot in question by producing some other lady in place of the original owner and who received ₹60 lacs as earnest money and the petitioner is stated to be a witness of the agreement and have signed as Gauri Murti. He submits that petitioner is in custody since 21.12.2022 challan has been presented in Court, charges have been framed and out of 14 witnesses none of the witness has been examined till date, as such he prays for grant of concession of bail to the petitioner.

3. Learned State counsel has opposed the bail application by arguing that considering the nature and gravity of the offence, petitioner is not entitled for concession of bail. However, he has not controverted the factual matrix of the case.

4. After considering the rival contentions and perusing the record, it transpires that petitioner is in custody since 21.12.2022. Challan has been presented in the Court and charges have been framed and out of 14 witnesses cited by the prosecution none of them has been examined till date. Petitioner is not required for further investigation, his criminal liability, if any, would be ascertained after conclusion of trial, in the present case triable by the Court of Magistrate, which may take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind

bars. Therefore, 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.

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

(SANJIV BERRY)
JUDGE

25.01.2024

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