

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

239

2024:PHHC:035532

CRM-M-8927-2024

Date of decision: March 12th, 2024

Amit Bansal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aman Priye Jain, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Mohan Singh Chauhan, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.578 dated 23.09.2023 under Sections 406, 420, 120-B of the IPC registered at Police Station Mahesh Nagar, Ambala Cantt.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the instant case for allegedly duping the complainant to the tune of rupees ₹11 lakh by inducing him to enter into an agreement to sell qua a plot, which was later on found to be not in his name. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been further submitted that the false implication of the petitioner in the present case finds further credence from the fact that it was highly improbable that the complainant, who himself is a property dealer would have entered into an agreement to sell without as much as verifying the details of the property in question. Learned counsel has

submitted that the petitioner has now been in custody since 13.12.2023 in a case triable by Magistrate; the trial is going to take a long time to conclude as only the challan has been presented till date. Hence, in the circumstances, further incarceration of the petitioner would serve no useful purpose.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed that the investigation in the case at hand is complete and even the challan stands presented. It has, however, been submitted by the learned State counsel, on instructions, that the petitioner is the main beneficiary of the present transaction as the agreement in question was entered between the complainant and him, even the payment in question was made directly to him, coupled with the fact that subsequently, it was found that the property in question already stood transferred in the name of some other person. Learned State counsel has submitted that the next date fixed before the trial Court is 16.03.2024 when the charges are likely to be framed.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 13.12.2023 in a magisterial trial. The case in hand is based on documentary evidence; challan stands presented. However, as not disputed by the learned State counsel, the charges are likely to be framed only on the next date of hearing i.e. 16.03.2024. The trial would, therefore, take considerable time to conclude.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No