

261

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9431 of 2024
Date of decision:- 28.02.2024

VIJAY KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Ajay Kumar, Advocate
for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

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 in the following case :-

FIR No.	Dated	Sections	Police Station
337	02.11.2023	420, 465, 467, 468, 471 and 120-B IPC	Derabassi, District SAS Nagar (Mohali)

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that as per allegations, ₹30,000/- was deposited by the complainant in the account of the petitioner. He contends that the dispute is civil in nature and the complainant has got registered the instant FIR in connivance with the police. The petitioner is in custody since 17.12.2023, as such he prays for grant of concession of bail to the petitioner.

3. Per contra, learned State counsel has not disputed the factual

position of the case and contends that considering the nature of the offences, petitioner does not deserve concession of bail, as he had cheated complainant party.

4. From the perusal of the record and considering the respective arguments, it is observed that petitioner is in custody since 17.12.2023. As per the complainant, allegations levelled are that the petitioner along with co-accused has entered into the agreement to sell but did not execute the sale deed. The criminal liability, if any of the petitioner could only be determined in the case triable by the Court of Magistrate once trial is concluded, which will take sufficient long time. Co-accused Kuldeep Singh has already been granted concession of Anticipatory Bail and the petitioner cannot be allowed to languish in jail any longer especially when he has no criminal antecedents.

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

28.02.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No