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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13310-2024
Date of Decision:22.03.2024

Neeraj Sharma ...Petitioner
Vs.
State of Haryana ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Rohit Rana, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure with a prayer to grant him regular bail in case FIR No.193 dated 01.06.2023 (Annexure P-1) under Sections 420, 467, 468, 471, 120-B, 447 and 506 (Sections 201 and 204 added later on) IPC registered at Police Station Old Faridabad.
2. FIR in the present case was registered on the basis of the complaint filed by Vinod Gupta son of Rajender Prasad and the same is reproduced as under:-

“To SHO P.S Old Faridabad dated 03.04.2023, 102-5P II DATED 03.04.2023, Sir, it is requested that I, Vinod Kumar Gupta S/o Rajender Prasad Gupta, is resident of B 190, Vivek Vihar Delhi 95, New Delhi. I have two shops bearing no. 1376 at New Baselwa Colony, Bypass, Faridabad which comes under jurisdiction of your Police Station. Yesterday on 02.04.2023, my relative called me on phone and informed that my neighbroure shopkeeper had break open the locks of my shop and after

cleaning the same has kept his articles in the shop and thereafter, had locked the same with his own lock. Today on 03.04.2023 when I reached to my shop and when I tried to open the lock by using my key but it did not open and when I was trying to open the lock at that time one lady alongwith few boys came out from a nearby shop and started taking my photographs and making video, I asked them upon which they said as to via I opening lock as the shop belongs to them and if it is my shop then I am show them documents. On my refusing to show documents they started fighting with me and also started calling others using phone at the spot. Thereafter, we directly came to police station so that situation may not escalate. Therefore, it is requested that my problem be sought out. Thanking you, Applicant Vinod Kumar Gupta”

3. Learned counsel for the petitioner contends that in the present case, no offence under Sections 467, 468, and 471 IPC are made out against the present petitioner. He further contends that a simple civil dispute between the parties has been given the colour of criminal offence in the present case and a civil suit Annexure P-2 is already pending between the parties before the Court of Civil Judge, Senior Division, Faridabad. He next contends that the petitioner was arrested in the present case on 03.12.2023 and final report under Section 173 Cr.P.C. has already been presented against him. Apart from that, the possession of the shop in question has already been delivered to the complainant side in the present case.

4. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that three more cases

have been registered against the present petitioner. However, the petitioner is on bail in all those cases.

5. I have heard learned counsel for the parties and perused the record.

6. The present petitioner is in custody since 03.12.2023 and final report under Section 173 Cr.P.C. has already been presented against him and the trial may take considerably long time. No useful purpose would be served by keeping the petitioner behind the bars and the petitioner is entitled for the concession of regular bail. .

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

22.03.2024

M.Sikka

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No