

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M-15884-2024 (O&M)
Date of Decision : April 20, 2024

ASHWANI KUMAR OBEROI ALIAS ASHWANI KUMAR

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Mukesh Rao, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.618 dated 24.10.2023, under Sections 406, 420, 120-B of the IPC, registered at P.S. City Jagadhri, District Yamuna Nagar.

2. The allegations, as levelled in the present FIR, are that, the accused (including petitioner) entered into agreement for transfer/sale of plot measuring 2000 sq. yards in favour of the complainant. This agreement was succeeded by five sale deeds becoming executed by the accused, on 16.06.2023, in favour of the complainant. However, after execution of sale deeds, when the complainant got the plot (supra) demarcated, it transpired that the plot (supra) comprised 1487 sq. yards, instead of 2000 sq. yards.

The deficiency of 513 sq. yards in the plot (supra) constituted the bedrock

for registration of the present FIR.

3. The learned counsel for the petitioner submits that a civil dispute has been camouflaged as a criminal litigation, inasmuch as, the entire dispute hinges upon deficiency of land. The complainant could have, at the best, instead of registering the present FIR, instituted a civil suit for redressal of his grievance.

4. Nonetheless, the principal argument of the learned counsel for the petitioner is clothed in the fact that, the matter has now been compromised *inter se* the petitioner/accused and the complainant. Therefore, he submits that when the complainant is not ready to support the case of prosecution, therefore, subjecting the petitioner to prolonged incarceration, would not serve any purpose.

5. At this stage, Mr. Mukesh Rao, Advocate, who is appearing for the complainant, under a validly executed Vakalatnama, accepts the factum of compromise *inter se* the petitioner/accused and the complainant.

6. The learned State counsel files reply, on affidavit of Rajesh Kumar, HPS, D.S.P., Yamuna Nagar-II, which is taken on record. Moreover, on instructions imparted to him by A.S.I. Surjit Singh, he informs this Court that, despite the Final Report becoming presented on 07.01.2024, charges have not yet been framed.

7. Considering the hereinabove made submissions, especially the fact that: (i) the matter has undisputedly been compromised *inter se* the petitioner/accused and the complainant; (ii) the offence(s) are triable by Magistrate; (iii) the trial is not likely to conclude anytime soon, as

charges are yet to be framed; (iv) the entire case is based upon documentary evidence; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.
9. Pending application(s) stand disposed of accordingly.

April 20, 2024
devinder

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No