

ANIL KUMAR VS STATE OF HARYANA

Present:- Mr. Samir Rathour, Advocate and Mr. Bijender Sharma,
Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Sushil Jain, Advocate for the complainant.

1. Anil Kumar has filed second regular bail application in FIR No.520 dated 04.12.2016 under Sections 406, 420 and 120-B of IPC registered at Police Station Bhupani, District Faridabad.

2. As per the facts of the complainant filed written complaint against M/s Jain Ambey Infra-estate Private Limited and its Director alleging that complainant Subhash Chaudhary was owner in possession of land bearing Khewat No.280/254, Khatoni No.367 Rect. No.30, Killa No.6/2 (1-7) measuring 1 Kanal 7 Marlas and Khewat No.389/336, Khatoni No.522, Rect. No.30, Killa No.6/1 (6-7), 15 (7-13), 16 (7-13), 24 (80), Rect. No.31, Killa No.10 (7-10), 11 (8-0), Rect. No.36, Killa No.4 (7-9), 7(8-0), 14/1 (7-9) total measuring 68 kanals 1 marla to the extent of 640/1261 share i.e. 32 Kanals, total area 33 kanals 7 marla. He agreed to sell this 33 Kanals and 7 Marla of land to accused and sale deed No.2438 dated 15.07.2015 was executed and registered through GPA through Zile Singh. Total sale consideration was Rs.6,25,31,500/- which was paid through 31 cheques which were issued by accused Nos.2 and 3 as Directors of accused No.1 Company. Said cheques were presented for encashment which were dishonoured on different dates with the remarks "Account Closed". Therefore, accused committed fraud with the complainant as they issued cheques from the account which was already closed.

3. Learned counsel for petitioner argued that regular bail application was declined by learned Sessions Judge, Faridabad vide order dated 25.06.2020 (Annexure P-3). Matter is civil in nature. Complainant has filed complaint under Section 138 of NI Act. Challan in this case has been presented and trial of this case will take long time. During the pendency of this regular bail application, he was granted concession of interim bail vide order dated 26.10.2020. Since then he is regularly facing the trial and has never misused the concession of bail. Therefore, interim bail granted in his favour may be confirmed.

4. Learned counsel representing State assisted by learned counsel for the complainant opposed the bail application. It is alleged that huge amount is involved in this case. Present petitioner is specifically named, therefore, he is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record. It is matter of record that at present petitioner is on interim regular bail and is facing trial. Nothing has come on record to show that he misused the concession of interim bail. Trial of this case may take some time. No purpose would be served by keeping him behind the bars. Therefore, without expressing my opinion on merits of matter, the interim bail already granted in favour of the petitioner vide order dated 26.10.2020 stands confirmed subject to the same terms and conditions.

Petition is disposed of accordingly.

01.08.2024
snd

(AMARJOT BHATTI)
JUDGE