



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.25457 of 2024
Date of Decision : 24.5.2024

Ishwar Singh SangwanPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Choudhary, Advocate and
Mr. Hritik Gupta, Advocate, for the petitioner

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.1185, dated 21.12.2022, under Sections 406, 420 and 506 of the IPC, 1860, registered at Police Station HTM, Hisar, District Hisar.

2. Learned counsel for the petitioner contends that it is a case of false implication. No offence under Section 420, 506 and 406 IPC is made out as the petitioner did not deposit the amount in any other plot. No recovery has been effected from the petitioner. The petitioner has executed an agreement to sell dated 8.2.2022 with the complainant, namely Sulekha Singh with regard to Plot No.2637P, Sector 4, Part II, Hisar for an amount of ₹1,59,13,400. Out of the total amount, the petitioner allegedly received ₹67 lakhs from the complainant and not executed the sale deed in her favour. It was due to the decrease of price of



land in the market. Resultantly, the said plot was resumed by the HUDA on 5.5.2022.

3. Notice of motion.

4. Mr. Chetan Sharm, DAG, Haryana, accepts notice on behalf of the respondent/State and produced the custody certificate, same is taken on record, copy of which has been furnished to learned counsel for the petitioner. He prays upon dismissal of the petition primarily on the ground that the petitioner has mis-used the amount of ₹67 lakhs of the complainant, by using the same against some other plot.

5. Mr. Sunil Saharan, Advocate, has put in appearance on behalf of the complainant by filing power of attorney, which is taken on record. He opposed the concession of bail contending that ₹67 lakhs was deposited in the account given to the petitioner by the complainant and the same was mis-used. In addition to the fact, learned counsel for the complainant would vehemently argued that from the very inception i.e. prior to the execution of agreement to sell dated 8.2.2022, the deceitful intention was present in the mind of the petitioner and deliberately got deprived of the petitioner of his hardened money to the tune of ₹ 67 lakhs and mis-used the same against some other plot and also failed to execute the sale deed in favour of the complainant to fulfill his obligation as undertaken by him in the agreement to sell.

6. Be that as it may, considering the fact that no useful purpose would be served by keeping the petitioner behind the bars any more and also the fact that the trial will take long time added with the fact that the



petitioner has also not availed the remedy of civil law for effecting any recovery against the alleged amount deposited by him with the petitioner, which is stated to have been mis-used by using the same against some other plot instead of clearing the dues qua the plot of the complainant. Civil liabilities also available to the petitioner and after leading evidence only, all these facts can be determined by the trial Court and on that account trial will take long time completing the evidence, he cannot be allowed to stay behind the bars which is tantamount to violation of his right to life and liberty enshrined under Article 21 of the Constitution of India including the right of speedy trial as well. As is evident from the custody certificate, the petitioner is not involved in any other case, who has already incarcerated one year and three months.

7. In the light of the aforesaid facts and considering the discussion made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

24.5.2024
Ashwani

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