

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-28122-2023

Date of decision: 23.01.2024

Akshay KumarPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sachin Kaushik, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. B.S. Tewatia, Advocate for
Mr. Nirmal Singh, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.323 dated 17.08.2022 under Sections 406, 420, 506 of the IPC registered at Police Station Murthal, Sonipat, District Sonipat.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 12.01.2023 and till date not even a single prosecution witness out of the 12 cited, has been examined even though charges were framed way back on 03.05.2023. Learned counsel submits that even otherwise a false and fabricated case has been planted upon the petitioner for allegedly cheating the complainant after entering into an agreement to sell pertaining to one plot which thereafter was allegedly sold to some other person. Learned counsel submits that since the investigation in the case in hand is complete and the case is triable by Magistrate, his further incarceration in the aforementioned facts and circumstances, would serve no useful purpose.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Vedvir while opposing the prayer made by the counsel opposite has not been able to dispute that after the charges were framed on 03.05.2023 as many as 19 dates had elapsed and the prosecution evidence had not yet commenced. It has, however, been submitted that there are serious allegations against the petitioner of having sold 1000 sq. yds. of his land to the complainant for which he received a sale consideration of ₹28 lakhs; thereafter instead of handing over the possession of the land to the complainant after execution of the sale deed, he had gone ahead and sold the plot in question to some other person.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove, since the petitioner has been in custody for more than a year having been arrested on 12.01.2023 and the trial has come to a virtual standstill, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.01.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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