



CRM-M-36784-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36784-2024
Date of decision: 30.08.2024

DEEPAKPetitioner
Versus
STATE OF HARYANARespondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

CRM-33250-2024

Instant application seeking pre-ponement of the main case i.e. CRM-M-36784-2024 has been rendered infructuous as the main case is already listed for hearing today itself i.e. 30.08.2024.

2. Disposed of as infructuous.

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Keeping in view the averments made in the application, the document Annexure P-6 is ordered to be taken on record subject to all just exceptions. Exemption is granted as prayed for.

2. Disposed of.

3. Registry to tag the same at appropriate place.

MAIN CASE

Mr. Sandeep Singh has put in appearance on behalf of the complainant has filed his vakalatnama. The same is taken on record.

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2. Reply dated 24.08.2024 in the form of an affidavit of Assistant Commissioner of Police, Cyber, Gurugram has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 01.05.2024. In the meanwhile, a compromise has been effected between the petitioner and the complainant on 13.08.2024, copy thereof has already been placed on record vide Annexure P-6 and prays for grant of bail.

4. Learned counsel appearing on behalf of the complainant has admitted the factum of compromise and that as per the instructions from the complainant he has no objection in case the petitioner is admitted to bail.

5. Learned State counsel referring to the reply submitted by the State has opposed the bail application and prayed for its dismissal.

6. After considering the rival contention and perusing the record, it transpires that the instant FIR was registered on the allegations that the complainant and his elder brother had purchased 06 flats from one Kuldeep and Manish Kumar in March, 2021 and the possession thereof was to be delivered by June, 2021 and for the same 06 units of flats they paid Rs.49,50,000/-. Since, the possession of the flats was not given to them, the instant FIR was registered.

7. Learned counsel for the petitioner contends that the petitioner is having no concern with the alleged transaction nor is he a beneficiary of any transaction as the alleged amount was paid by the complainant to

foresaid Kuldeep and Manish Kumar. He further contends that the



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petitioner is suffering from various ailments and is in custody since 01.05.2024. He contends that moreover the complainant has effected compromise with the petitioner vide Annexure P-6 and accordingly prays for grant of bail.

8. As stated above, learned counsel appearing on behalf of the complainant has no objection to the same. Even otherwise, the conclusion of trial and criminal liability of the petitioner in the present case triable by the Court of Magistrate would take sufficient long time.

9. Keeping in view all these circumstances and the fact that the parties have effected compromise, no purpose would be served by detaining the petitioner in custody any longer as the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time.

10. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

11. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.08.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |

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