

2024:PHHC:142319



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.236

CRM-M-48685-2024(O&M)
Date of decision : 29.10.2024

Karambir @ Karamvir Gupta

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Vipul Aggarwal, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Abhinav Aggarwal, Advocate and
Mr. Amit Chaudhary, Advocate, for the complainant

KIRTI SINGH, J. (Oral)CRM-40994-2024

1. This application has been filed for substituting the Annexure P4 by Annexure P4/A.

2. The application is allowed as prayed for.

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3. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.270 dated 19.05.2024, under Sections 406 & 420 IPC (Section 201 IPC added later on), registered at Police Station Gharaunda, District Karnal.

4. The brief facts of the case are that the complainant Vinay Jain entered into an agreement to purchase land measuring 02 kanals 17 marlas owned by one Gurnam Singh and the petitioner, who is a property dealer was the mediator of deed. It is alleged that the deal for sale of the aforesaid

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land was struck for a consideration of Rs.29,50,000/-. It is further alleged that the petitioner procured a cheque of Rs.25 lacs from the complainant for transferring the money in the account of the vendor and also got transferred Rs.1,88,400/- for purchase of stamp papers. However, petitioner used those stamp papers for execution of sale deed in favour of his wife, namely, Smt. Asha Rani. Thus, duped the complainant.

5. At the very outset, learned senior counsel appearing for the petitioner and counsel for the complainant submit that the matter has been compromised between both parties and it has been agreed upon that the petitioner will get the registration of disputed land (02 kanals) in favour of the complainant and will pay an amount of Rs.17,00,000/- along with registration charges of the sale deed (02 kanals of land).

6. The learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 02 months and 03 days and not involved in other criminal case. He on instructions from the concerned investigating officer submits that challan has been presented on 20.09.2024 and charges were framed on 23.09.2024. He also submits that out of a total of 12 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

7. Learned counsel for the complainant has not disputed the factum of compromise.

8. Heard the rival submissions made by learned counsel for the parties.

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9. Admittedly, challan has been presented and charges have been framed. None of the prosecution witness has been examined and the conclusion of the trial will take a considerable time. The petitioner has undergone an actual custody of 02 months and 03 days and there is no other criminal case registered against him and in view of the compromise effected between the parties, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

10. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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11. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

12. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

29.10.2024

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No