

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-56559-2023 (O&M)

Date of Decision: 10.1.2024

Rajesh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.183 dated 1.4.2023 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Sonipat City, District Sonipat.

2. The allegations in nutshell are that Dharam Pal father of complainant-Babli got missing and he owned certain piece of land which was later on acquired by Haryana Government and compensation worth ₹6,75,158/- plus ₹ 8049/- was deposited with the concerned authority for its disbursement to the owner/his legal heirs; that, however, the petitioner in connivance with co-accused got released the said amount of compensation in his name from the concerned bank account and thus, defrauded the complainant. The petitioner is in custody since 28.5.2023.

3. Counsel for the petitioner submits that the petitioner who is real brother of the complainant, has been falsely implicated in the present case and even otherwise, he is having half share out of total amount of compensation being legal heir of Dharam Pal. It is further submitted that it will take considerable time for the trial to conclude and as such, no purpose is going to be served by detaining the petitioner, who is having no criminal history, in custody for any longer period.

4. Present petition is resisted by the State counsel who filed reply by way of affidavit of Nar Singh, Assistant Commissioner of Police, City-I, Sonipat which is ordered to be taken on record. State counsel submits that the petitioner siphoned out the entire amount of compensation and thereby committed fraud against the complainant. However, the State counsel on instructions from ASI Balwan has not disputed the fact that the petitioner is in custody since 28.5.2023 and is having no criminal history and that till date, the prosecution has been able to examine 6 witnesses including the complainant out of total 14 witnesses.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class and the petitioner was arrested in this case on 28.5.2023 and after completion of investigation, the police presented the challan and after framing of charges, the prosecution examined the complainant and 5 other witnesses out of total 14 witnesses but it will take considerable time for the trial to conclude. The petitioner is having no criminal history and is presently lodged in judicial custody. In the given circumstances, no purpose is going to be served by detaining the petitioner

in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 10, 2024
Paritosh Kumar

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