





Civil Courts. In fact, the complainant had filed a suit for specific performance of the alleged oral agreement to sell for the land measuring 77 kanals 09 marlas through one of his partner namely Balwan Singh and the stay application filed by the complainant side has already been dismissed by the Civil Court at Sohna. Further, Sherjung etc. had filed a suit for declaration, possession and permanent injunction against Yashdeep Builder LLP and others titled as “*Sherjung and others Vs. Yashdeep Builder LLP and others*”, before the Court of Civil Judge, Sohna for declaring the registered Exchange Deed bearing No.4265 dated 02.11.2018, Mutation numbers 2138 and 2141 and the supplementary Collaboration Agreement bearing deed No.1961 dated 03.06.2019 as illegal, null and void and the suit is pending. Apart from that, one civil suit filed by Indu Aggarwal and Ashok Aggarwal is pending against M/s Saint Patrick, whereas, the petitioner has also filed a suit for specific performance against Sarfaraz and Yamin. The complainant has also moved an application under Order 1 Rule 10 CPC for impleading him as a party in the civil suit, filed by the complainant and it is pending. Apart from that, various other civil proceedings are pending, which have been initiated at the instance of different parties in the present case. Learned counsel further submitted that the entire case is based on documentary evidence and the documents have already been recovered by the police. The petitioner was arrested in the present case on 16.08.2024 and the challan against him has already been presented before the Court. Thus, the present petition deserves to be allowed by this Court.

3. A reply by way of an affidavit of Assistant Commissioner of Police, Sadar, Gurugram has been filed on behalf of respondent-State and the same is taken on record.



4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, it is apparent that various civil cases are pending between the parties and it would be debatable as to whether the offence is made out against the petitioner or not. Both the parties are yet to lead their respective evidence before the Trial Court in this regard. Moreover, the petitioner is in custody since 16.08.2024 and investigation against him has already been completed. Thus, no purpose will be served by sending the petitioner behind the bars.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

(N.S.SHEKHAWAT)
JUDGE

08.11.2024
hitesh

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