



CRM-M-12185-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215/2

CRM-M-12185-2024 (O&M)

Date of Decision: 27.01.2025

Pawan Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ishnoor Singh, Advocate, for
Mr. Vikram Singh, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

Ms. Amrita Nagpal, Advocate for the complainant.

Mahabir Singh Sindhu, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No.0239 dated 20.04.2021, registered under Sections 406, 420, 467, 468, 506 and 120-B of Indian Penal Code, 1860 (for short, 'IPC'), at Police Station City Panipat, District Panipat.

2. Allegations are that petitioner alongwith co-accused hatched criminal conspiracy and cheated complainant to tune of crores of rupees on pretext of selling land by using forged and fabricated documents.

3. Contends that petitioner was arrested in the present case on 18.07.2023 and after remaining in custody for about 01 year and 03 months, he was granted interim bail by this Court on 03.10.2024. Further contends

that in pursuance of the aforesaid order, he is regularly appearing before



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learned trial Court. Lastly contends that there is no allegation that he is likely to misuse the concession and/or hamper the proceedings in case released on bail.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. Also acknowledged that petitioner has not misused the concession of interim bail in any manner.

5. On the other hand, learned counsel for complainant has vehemently opposed the prayer on the ground that allegations against petitioner are serious in nature and he in connivance with co-accused duped the complainant to the tune of crores of rupees.

6. Heard learned counsel for both the sides and perused the paper book.

7. This Court granted interim bail to the petitioner on 03.10.2024 and order reads as under:-

“Learned counsel for the complainant seeks time to place on record the copy of alleged draft sale deed of the land in question and also to furnish the details of cheques, which have already been encashed by the accused/vendors.

Posted for 21.11.2024.

Petitioner is stated to be in custody since 18.07.2023 and prima facie, it appears to be a dispute of civil in nature, therefore, till the next date of hearing, petitioner be released on interim bail in the present case on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

To be heard along with CRM-M-12084-2024”.

Learned State counsel has duly acknowledged that petitioner is

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regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession and/or hamper the proceedings in any manner. As the trial is likely to take sufficient long time; therefore in such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

9. Although, learned counsel for the complainant vehemently opposed the prayer of petitioner, but in view of the fact that State is not opposing the prayer made by petitioner, therefore, objection raised by learned counsel for the complainant is rejected.

10. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 03.10.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Court concerned.

11. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

12. The above observations be not construed as an expression of opinion on the merits of the case.

13. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

27.01.2025

D.Bansal

DINESH BANSAL
2025.02.01 10:19
I attest to the accuracy and
integrity of this document
Chandigarh

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No

(MAHABIR SINGH SINDHU)
JUDGE