

(2006) 09 P&H CK 0334

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. 50823-M of 2006

Harpreet Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Sept. 28, 2006

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Penal Code, 1860 (IPC) - Section 120B, 420, 467, 468, 471

Citation: (2006) 19 CriminalCC 130

Hon'ble Judges: Rajive Bhalla, J

Bench: Single Bench

Advocate: S.S. Dinarpur, for the Appellant; J.S. Toor, A.A.G., Haryana, for the Respondent

Final Decision: Dismissed

Judgement

Rajive Bhalla, J.

Prayer in this petition filed u/s 439 of the Code of Criminal Procedure is for grant of regular bail in case FIR No. 560 dated 7.12.2005 registered under Sections 420, 467, 468, 471, 120B of the IPC, at Police Station City, Jagadhri, District Yamunanagar.

2. Counsel for the petitioner contends that a perusal of the FIR does not disclose the petitioner's name, in fact, no role whatsoever has been assigned to the petitioner. The petitioner has been arrested, on the sole ground that he had obtained copies of the revenue record from the Patwari for the purpose of getting a mutation sanctioned. It is contended that as the challan has been presented and the prosecution has cited 21 witnesses, the trial is likely to be protracted and therefore, the petitioner be released on bail.

3. Counsel for the State of Haryana, on the other hand, submits that the petitioner was an integral part of the conspiracy to sell land belonging to the complainant. Though the petitioner is not named in the FIR, investigation has revealed that the

petitioner obtained copies of the revenue record for the purpose of getting a mutation sanctioned. It is prayed that as the petitioner was an active participant, in the commission of the offence, complained of, the present petition be dismissed.

4. I have heard learned counsel for the parties and perused the paper book.

5. The petitioner's name does not find mention in the FIR. During investigation the concerned Patwari, made a statement that the petitioner had approached him for getting copies of the revenue record so as to get a mutation sanctioned. Be that as it may, as investigation is complete and the challan has been presented, the trial is likely to be protracted as the prosecution has cited 21 witnesses.

6. Counsel for the respondent has not expressed any apprehension that if released on bail, the petitioner would tamper with the prosecution evidence or in any manner subvert the process of trial.

7. Bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jagadhri at Yamunagar.

8. Nothing, stated herein, shall be construed to be an expression of opinion, on the merits of the controversy.