

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No. 1640 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Digvijay Singh Bisht, Advocate, for the applicants. Mrs. Lata Negi, Brief Holder, for the State of Uttarakhand. This C-482 Application entails consideration of an intricate conveyances, which has been made of the disputed property lying in Khasra Nos. 71 and 72, which have been claimed by the applicants to be belonging to them, which is said to have been wrongfully sold by one Mr. Mahesh Chandra to the complainant Dalveer Singh, who, in turn, contends that Mahesh Chandra in fact was the purchaser of the aforesaid plots from the brother of the present applicants. The learned counsel for the applicants submits, that the applicants are not responsible at all for the aforesaid transaction of the wrongful sale made to the complainant by Mahesh Chandra, in order to force them to face the trial under Section 420 of the IPC in Criminal Case No. 72 of 2023, in which, they have been summoned by an order dated 10th February, 2023, by the Court of Judicial Magistrate, 2nd, Haridwar. Since it is an intricate question and flowing of the title of the disputed property, which has been the subject matter of conveyances entered into between the parties, because even the applicants contend, that they have sold their share to a third person. All these factual issues are required to be determined by the Court of Judicial Magistrate, 2nd, Haridwar, but owing to the fact, that the order dated 10th February, 2023, has been issued by virtue of which, an NBW has been issued against the applicants and the applicants are apprehending immediate threat of being arrested. Without venturing or recording any finding

			with regard to the chronology of transaction, which has taken place between the parties, and their respective right of sale, all these issues are required to be decided by the Court, who is seized with the trial of Criminal Case No. 72 of 2023, State Vs. Mahesh Chandra and others, which has to be independently decided after taking into consideration the respective evidence to be adduced by the parties. But, in order to rule out the possibility of immediate apprehension of arrest by virtue of the order dated 10th February, 2023, which is too impugned in the present C-482 Application, this C-482 Application would stand disposed of, leaving it open for the applicants to surrender before the Court of Judicial Magistrate, 2nd, Haridwar, within a period of two weeks from today and resort to their remedies as provided under the judgment of Hon'ble Apex Court as reported in (2022) 10 SCC 51, Satender Kumar Antil Vs. Central Bureau of Investigation and another. For a period of two weeks or till the applicants are considered to be released on bail in the light of guidelines framed in para 3 (e) of the judgment of Satender Kumar Antil (Supra), non bailable warrants issued against them, would not be given effect to. Subject to the aforesaid exception, the C-482 Application stands disposed of. (Sharad Kumar Sharma, J.) Dated 16.08.2023 Shiv
--	--	--	---