

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 210

Criminal Miscellaneous No.M-10098 of 2015 (O & M)

Date of Decision: *April 21, 2015*

Ranbir Singh & another

..... PETITIONERS

VERSUS

U.T. Chandigarh

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. K.B. Raheja, Advocate, for the petitioners.

Mr. A.S. Sullar, Additional Public Prosecutor,
Chandigarh.

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Jaspal Singh, J

1. This is a petition under Section 438 Cr.P.C. for bail, preferred by Ranbir Singh and Nazar Singh, feeling apprehension of their arrest in case FIR No.58 dated February 19, 2015 under Sections 380, 454, 448 IPC, Police Station, Sector 39, Chandigarh.

2. Contention of learned counsel for petitioners is that one Sadhu Ram was owner of house and after his demise, property was inherited by his niece Khushalaya Devi and his brother Soma Singh as Sadhu Ram died issueless and wifeless. Mutation of inheritance was also incorporated and sanctioned in the names of above said persons. Khushalaya Devi sold her ½ share of property in dispute in favour of petitioners and Karnail Singh vide sale deed, Annexure P-4. Possession of property, subject matter of sale, was also delivered to vendees. Ownership of house in question was also transferred on the basis of aforesaid sale deed in the name of petitioners as is evident from Annexure P-5. On the other hand, complainant alleges that he had been rendering services to Sadhu Ram and in lieu thereof, Sadhu Ram executed a Will as well as agreement of sale in his favour in the year 1984. Said Sadhu Ram passed away around in 1990. Water and electricity connection bills are also in his name since the year 1984, and further that he has been residing in the said house which has been forcibly occupied by petitioners.

3. During the course of arguments, learned counsel for State as well as complainant could not point out as to why factum of alleged execution of Will was not got incorporated in revenue record or with Municipal Corporation/ Council during

last about 25 years. Similarly, electricity bills, which have been placed on record, are recent one and complainant is unable to produce on record the previous bills, if any, in support of his contention. Petitioners have already joined investigation and are no more required by investigating agency for further interrogation. Entire case of prosecution is based upon documentary evidence.

4. Accordingly, petition is allowed. In the event of arrest, petitioners shall be released on bail subject to the following conditions:-

- i) They shall make themselves available for investigation within seven days from the date of receipt of a certified copy of this order; and as and when required to do so;
- ii) They shall not leave the country without the prior permission of the Court;
- iii) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police official.

April 21, 2015
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(Jaspal Singh)
Judge