

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-12934-2015

Date of decision: 29.06.2015

Gulshan Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the 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?*

PRESENT: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

Mr. Vipul Jindal, Advocate for
Mr. Rakesh Gupta, Advocate for respondent No. 2.

R.P. NAGRATH, J.

Mr. Vipul Jindal, Advocate has put in appearance for respondent No. 2-Daleep Kaur (complainant) and filed the memo of appearance in Court today and the same be taken on record.

The petitioner has applied for pre-arrest bail under Section 438 Cr.P.C. in FIR No. 01 dated 03.01.2013 registered under Sections 419/465/467/468/471/120-B of the Indian Penal Code (IPC) at Police Station Sarabha Nagar, District Ludhiana.

The facts of the case, briefly, stated are that one Ravinder Singh S/o Lal Singh was the owner of property No. 129-E measuring 150

sq. yards situated in BRS Nagar, Ludhiana. He executed an agreement to sell this property in favour of Waryam Singh, husband of complainant-Daleep Kaur on 11.02.1988 for a total sale consideration of ₹ 1,90,000/-. Waryam Singh had died and his legal heirs including the complainant filed a suit for specific performance of agreement to sell which was decreed on 04.11.2009 and mutation was also sanctioned by the revenue authorities on 22.11.2011. The complainant was interested in sale of the property that the petitioner appeared with his fake sale deed claiming to have purchased the said property from owner in the year 1988. The complainant with her family was statedly residing in this house for the past about 25 years.

I have heard learned counsel for the petitioner, learned State counsel assisted by learned counsel for respondent No. 2-complainant and have carefully gone through the file with their able assistance.

Learned counsel for the petitioner mainly relies upon a memorandum of understanding Annexure P-2, statedly, a compromise entered into the petitioner and complainant with regard to the aforesaid dispute. As per this document, the petitioner had admitted that the sale deed dated 20.01.1988, on the basis of which he was claiming ownership right over the property is a forged and fabricated document. He had agreed to hand over the aforesaid sale deed to the second party.

Learned counsel for the petitioner, however, submits that the aforesaid property has since been sold out in three hands and this was also the contention raised before the learned Additional Sessions Judge, Ludhiana, while making prayer for pre-arrest bail.

It was contended by learned State counsel that there was nothing on record in support of the contention that the said property had been further sold in three hands. No such sale deeds which was the bone of contention for the petitioner have been placed on record. However, learned State counsel and learned counsel for respondent No. 2-complainant have denied the correctness of allegation that a memorandum of understanding Annexure P-2 was entered into between the petitioner and the complainant.

On instructions from ASI Shamsheer Singh, learned State counsel rather submitted that the forged sale-deed is yet to be recovered from the petitioner.

The allegations are very serious. There is no merit in the prayer for grant of pre-arrest bail as custodial interrogation of the petitioner is required.

Dismissed.

June 29, 2015
rishu

(R.P. NAGRATH)
JUDGE