

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(204)

CRM-M-15451-2015

Decided on: September 22, 2015.

Gurchetan Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. S.P.S. Sidhu, Advocate, for the petitioner.

Mr. Gazi Mohamad, DAG, Punjab.

Mr. B.S. Bhalla, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

This order will dispose of an application for grant of pre-arrest bail to the petitioner in a case registered at the instance of General Power of Attorney of Jasvir Kaur wife of complainant alleging that her husband died on 30.01.2013 and property of her husband was mutated in favour of his natural heirs i.e children and mother. The mother of the deceased, Gurdev Kaur, had fraudulently transferred the property inherited from her son, in the name of the petitioner (another son) in connivance with the revenue officials. Another grievance of the complainant is that suit for partition was filed by all the accused in which there were large number of respondents. The complainant being an NRI was not served with any summons and the mutation regarding partition was sanctioned thereby causing prejudice to the complainant.

Learned counsel for the complainant has intervened to oppose the application contending that the property has been partitioned in a

fraudulent manner and that the complainant has been deprived of the property.

I have heard learned counsel for the petitioner, learned counsel for the complainant as well as learned State counsel and gone through the police file.

It appears that during course of investigation, it transpires that the dispute is regarding family property and is basically of civil nature.

On asking of the Court, it has been informed that the partition proceedings have not been finalized and an appeal before the revenue authorities is pending against the partition as ordered by the Assistant Collector.

Taking into consideration the totality of the circumstances, I am of the considered opinion that it is not a case where the custodial interrogation of the petitioner is warranted. The dispute appears to be of civil and criminal liability.

The petitioner having joined investigation, as per the instructions imported by ASI Gurpal Singh to the State counsel, the petition is allowed. Interim order dated 13.05.2015 is hereby made absolute subject to the conditions as envisaged under Section 438 (2) Cr.P.C.

(M.M.S. BEDI)
JUDGE

September 22, 2015
harsha