

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

CRM-M-16781-2015 (O&M)

Date of decision: 08.09.2015

Nachhatar Kaur and anr.

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. A.S. Brar, Advocate
for the petitioners.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

CRM-21595-2015

Applicants seek permission to place on record Annexures P-6
to P-8.

Application is allowed, as prayed for. Documents are
permitted to be placed on record.

CRM stands disposed of.

CRM-M-16781-2015

Petitioner seeks pre-arrest bail in FIR No.16 dated 02.05.2015
under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station
NRI, District Moga.

Learned Senior Counsel for the petitioners submits that as per
Annexure P-3, complainant Bakshish Singh son of Ishar Singh received

Rs.13,500/- in the Civil Suit filed by petitioner No.1, before the Civil Court on 25.06.1976 and accordingly a decree was passed in favour of the petitioner. Thereafter, warrant of possession was issued in favour of the petitioner and actual physical possession of the land in question was handed over to petitioner No.1 Smt. Nachhatar Kaur, vide rapat No.209 dated 12.01.1977 (Annexure P-4). In this view of the matter, learned Senior Counsel for the petitioners submits that it was purely civil matter, if at all. In such a situation, registration of the FIR was totally unwarranted. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Manjit Singh, Police Station NRI, Moga, submits that as per the allegations levelled by the complainant in the FIR, petitioners got his land transferred in their name behind his back. He further submits that petitioners tried to get undue benefit of the absence of the complainant who was staying abroad because of which they are not entitled for the concession of anticipatory bail. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since the dispute pertains to the title and possession of the land, learned Senior Counsel for the petitioners has been found justified in contending that the issue was of civil nature.

In view of the above and without commenting anything further

on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. In the event of arrest, petitioners shall be released on anticipatory bail to the satisfaction of Arresting/Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

08.09.2015
vishnu