

203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision :18.12.2015

1. CRM-M-19130-2015(O&M)

Sita Ram

.....Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-24978-2015

Mohinder Pal

..... Petitioner

versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Amit Saini, Advocate for the petitioner in CRM-M-19130 of 2015.

Mr.S.S.Goraya, Advocate for the petitioner in CRM-M-24978 of 2015.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

Mr.Suvir Kumar, Advocate for the complainant.

i. Whether Reporters of local papers may be allowed to see the judgment?

ii To be referred to the Reporters or not?

iii Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The aforesaid two application for anticipatory bail have
filed in case bearing FIR No. 238 dated 17.08.2014, under Sections

420, 447, 448, 506, 34 IPC (Sections 447, 448, 506, 34 IPC deleted and Sections 182, 177, 120-B IPC added subsequently), registered at Police Station Jodhewal, Distt. Ludhiana City. Since they both have arisen out of a common FIR, the same are being disposed of by this common order. For ready reference facts are taken from CRM-M-19130-2015.

On 13.07.2015 the following order was recorded in CRM-M-19130-2015 :-

“ Learned State counsel assisted by learned counsel for the complainant contends that property has been sold twice and `24 lacs have been usurped by the petitioner and others and recovery is yet to be effected.

In view of above, one more opportunity is granted to the petitioner to join the investigation.

Adjourned to 13.08.2015.

Last opportunity is granted.

Interim order to continue.”

Thereafter the petitioner has joined the investigation but has not handed over the original sale deed by which he became the owner on the pretext that he had lost the sale deed. As per learned Addl. AG this is highly incredible because if he had lost the same he would have definitely lodged a police report or a missing report. As per learned Addl.AG the petitioner and co-accused Mahender Pal and Des Raj are definitely involved in defrauding the complainant.

In my opinion the arguments of learned Addl.AG cannot be brushed aside though both the counsel for Mohinder Pal and Sita Ram have argued that they are innocent, yet there is more to it that meets the eye.

In the circumstances the petitions are dismissed.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

December 18, 2015

sunita

**(AJAY TEWARI)
JUDGE**