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

**CRM-M-19276 of 2015**

**Date of decision: August 25, 2015**

Rachhpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. K.S. Chahal, Advocate  
for the petitioner.

Mr. R.P.S. Sidhu, AAG Punjab.

Mr. Manvender Chauhan, Advocate  
for the complainant.

**SABINA, J**

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.46 dated 11.05.2015, under Sections 406, 420 of Indian Penal Code, 1860, registered at Police Station Division No.8, Kailash Chowk, Ludhiana, District Ludhiana.

Prosecution story, in brief, is that the complainant owned two shops measuring 23 sq. yards in view of gift deed executed by owner Manjit Kaur in her favour. Complainant had not rented out shop No.3 bearing No.B-I-983/1-A. Accused in conspiracy with each other, had trespassed into the shop and had stolen the furniture lying in the shop.

Learned counsel for the petitioner has submitted that complainant is the real sister of the petitioner. In fact,

father of the petitioner had sold 203 sq. yards of land to his daughter-in-law Manjit Kaur. Out of the said land, Manjit Kaur had executed a sale deed qua 180 sq. yards in favour of the wife of the petitioner Kokla Sandhu. The gift deed allegedly executed by Manjit Kaur in favour of the complainant, did not relate to the part of the land purchased by Manjit Kaur from Gurbaksh Singh. In this regard, learned counsel has placed reliance on site-plan (Annexure P-6).

Learned State counsel who is assisted by the counsel for the complainant, on the other hand has opposed the petition.

In the present case, a perusal of the sale-deed (Annexure P-3) reveals that Gurbaksh Singh had sold 203 sq. yards of land bearing No.B-1-983/1A to Manjit Kaur. The said property was bounded as under:-

*“East: Raod 32 feet, West: Wakf Board 32 feet,  
North: Jarnail Singh Common Wall 57 feet and  
South: Gulzar Singh common Wall 57 feet”*

A perusal of the site plan (Annexure P-6) reveals that the shops in question are at same distance from the plot purchased by Manjit Kaur from Gurbaksh Singh. In between the plot purchased by Manjit Kaur and the shops in question, there is a plot of Gulzar Singh.

In the facts and circumstances of the present case, it would be just and expedient to grant anticipatory bail to the petitioner.

Accordingly, without expressing any opinion on the merits of the case, this petition is allowed. In the event of arrest, petitioner be admitted to bail subject to the satisfaction of the Arresting Officer. Petitioner shall join investigation as and when required by the Investigating Officer and shall not tamper with the prosecution evidence. Petitioner shall not leave the Country without prior permission of the Court.

**(SABINA)  
JUDGE**

**August 25, 2015**

mahavir