

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

CRM-M No.19796 of 2015 (O&M).

Date of Decision: July 14, 2015.

Sandeep Singh and another

....Petitioners.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. S.S. Grewal, Advocate for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

Mr. Baljinder Singh, Advocate for the complainant.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioners in case First Information Report No.38 dated 24.05.2015 under Sections 420 and 506 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Kot Fatta, District Bathinda.

As per the story of the prosecution, petitioners Sandeep Singh and Ramandeep Singh sons of Malkit Singh got a sale deed of land measuring 2 Kanal 10 Marla executed from complainant Badal Singh by

misrepresentation and fraud when he was under influence of liquor.

Heard the submissions made by Mr. S.S. Grewal, learned counsel representing the petitioners, Mr. Ashish Sanghi, learned Deputy Advocate General, Punjab and Mr. Baljinder Singh, learned counsel representing the complainant.

Learned counsel for the petitioners argued that the sale deed was executed and registered by the complainant in favour of the petitioners in February, 2012. Subsequently, on the basis of a statement made by him before the revenue authorities, a mutation in respect of the transaction of sale was also sanctioned in favour of the petitioners. It is after an inordinate and unexplained delay of three years that a complaint disputing the sale transaction had been got registered by the complainant. Learned counsel contended that it is purely a case of civil nature. No criminal liability is made out from the allegations and nothing is to be recovered from the petitioners.

The petition was opposed by Mr. Ashish Sanghi, learned Deputy Advocate General, Punjab and Mr. Baljinder Singh, learned counsel representing the complainant. They submitted that the petitioners are habitual land grabbers. The factum of execution of sale deed surfaced only when the petitioner tried to intervene in the possession of the complainant. The photographs and signatures of the complainant taken for getting a loan sanctioned from the bank were misutilized by the petitioners for getting the impugned sale deed executed.

Prima facie perusal of the sale deed 16.02.2012 shows that no

amount of sale consideration was paid by the petitioners to the complainant in the presence of Sub Registrar and the entire amount was shown to have been received by the complainant at home. Learned counsel for the petitioners submitted that the complainant had been taking money from the petitioners from time to time and as he was unable to repay the same he sold a small portion out of his land to the petitioners. This was not the description of payment of sale consideration amount written in the sale deed. Also, as pointed out by learned State counsel no Numberdar of the village of complainant was joined as an attesting witness to the sale deed. The two M.Cs., who attested the sale deed, were from Bathinda.

In the aforesaid facts and circumstances, thorough investigation into the allegations is necessary for which custodial interrogation of the petitioners will be required. Without going into merits of the case, in my considered opinion, no ground for grant of concession of anticipatory bail to the petitioners is made out and their petition is dismissed.

(SNEH PRASHAR)
JUDGE

July 14, 2015
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