

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

CRL. MISC. No.M-20905 OF 2015 (O&M)
DATE OF DECISION : 21st July, 2015

Ravinder Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Bhriugu Dutt Sharma, Advocate for the petitioner.

Mr. Amritpal Singh Gill, Assistant Advocate General, Punjab.

Mr. Raj Kumar Gupta, Advocate for the complainant.

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SURINDER GUPTA, J.

1. This petition has been filed for grant of anticipatory bail to the petitioner in case bearing FIR No.197 dated 13.11.2014 registered at Police Station Navi Baradari, District Jalandhar for offences punishable under Sections 406, 420 read with Section 120-B IPC.

2. I have heard learned counsel for the parties and perused the paper book with their assistance.

3. As per the case of the prosecution, the petitioner vide sale deed dated 22.11.2012 sold the about 7 marla of land to Deepa Maheshwari, wife of complainant for a consideration of ₹15,00,000/-. When the complainant reached the property to raise boundary wall, he was stopped from doing so by the residents of that area on the ground that major part of the said

property was owned by Municipal Corporation, Jalandhar (hereinafter referred as the Corporation). The complainant then approached the Corporation and came to know that accused-petitioner was owner of 1 marla of land and the remaining land belong to the Corporation.

4. Learned counsel for the petitioner submits that land measuring 2 kanal 17 marla was originally purchased by Mohan Singh Seera and Smt. Parkash Kaur vide sale deed dated 27.06.1961 (Annexure P-19). The petitioner had purchased about 1 marla 99 square feet of land from Suraksha Jhanji wife of Sh. Sudesh Jhanji vide sale deed Annexure P-16 and land measuring 7 marla 57 square feet from Mohan Singh Seera vide sale deed Annexure P-3. Both the above sale deeds were out of the land bearing Khasra No.29395/22024/19450 (0-5), 29392/22025/19450 (0-10), 29387/19448/8076(1-15) and 29391/1/19449/8076 (0-2). Out of above land the petitioner sold the land measuring 7 marlas i.e. 207 square feet to the wife of complainant. The land sold was bearing House No.B-VII/654/2 and was recorded in the name of the petitioner, as such, he has committed no fraud with the vendee.

5. The learned counsel for the complainant submits that the petitioner purchased a plot bearing property No.B-VII/654/2 (887 min) from Mohan Singh Seera as per sale deed Annexure P-3, while he sold property No. B-VII/654/2 (not 887 min). Secondly, the petitioner had purchased the plot measuring 18' X 44'- 3", while he has sold plot measuring 38' X 38' vide sale deed dated 22.11.2012. Thirdly, one of the khasra number, out of which the plot was sold, is 29092/22025/19450, which was never purchased

by the petitioner either from Mohan Singh Seera or from Suraksha Jhanji. In the Corporation record the petitioner was recorded as owner of property bearing municipal No. B-VII/654/2-A which comprised of one room, filling station and office, while the property sold was with municipal No. B-VII/654 (not 2-A)_and as per the description of this property it was having two rooms in dilapidated condition. It was not having any filling station, as mentioned in copy of the house tax assessment register Annexure P-9.

6. Learned State counsel submits that the above facts clearly depict the ill intention of petitioner, who has sold the land of the Corporation to the complainant.

7. The learned counsel for the petitioner has though referred to various documents placed on file, but could not answer any of the above arguments. Even before the Additional Sessions Judge, Jalandhar the application for anticipatory bail remained pending for about 7 months and the learned Additional Sessions Judge has observed that despite availing ample opportunity the petitioner has not been able to produce the required documents with regard to his title over the suit property.

8. Learned counsel for the petitioner has argued that the matter is of civil nature and if there is any dispute regarding the title, wife of complainant could avail the civil remedy.

9. I do not find myself in agreement with the submissions made by learned counsel for the petitioner. As is apparent on the perusal of the entire record produced on file the petitioner was never the owner of a plot measuring 38'X 38'. Even during the course of argument it was enquired as

to whether the petitioner is willing to rectify the khasra number 29092/22025/19450, as mentioned in the sale deed in favour of wife of the complainant as he was never owner of the land bearing this khasra or to handover the equivalent land at the spot to the wife of complainant as per the sale deed, but no specific answer has come from the petitioner.

10. Keeping in view the above facts and circumstances of the case, I do not find it to be a fit case to exercise the discretionary power of this Court to grant the benefit of anticipatory bail to the petitioner. This petition has no merits.

11. Dismissed.

21st July, 2015
'raj'

(SURINDER GUPTA)
JUDGE