

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

CRM-M-2097-2014 (O&M)

Date of decision : 17.03.2015

Jaspal Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kamal Sharma, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Anoop Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.262 dated 03.12.2013, registered under Sections 406, 420, 120-B of the Indian Penal Code, (for short, 'the IPC') at Police Station Dera Bassi, Distt. Ajitgarh.

Heard.

On the last date of hearing, the State was directed to file an affidavit of the competent authority indicating as to whether the

petitioner was the owner of the land in question on 04.08.2011. In pursuance of the said order, affidavit of Inspector Gurjit Singh, SHO, Police Station Dera Bassi, has been filed in the Court, which is taken on record as Mark 'A'. As per the affidavit, the petitioner was not the owner of the land in dispute on 04.08.2011. The document i.e. Jamabandi dated 10.12.2014, was however, stated to be an authentic and correct document. The Halqa Patwari, who got his statement recorded in this regard (Annexure R-1/T), stated that as per the compurized copy of the jamabandi for the year 2008-09 of Dharamgarh, $\frac{1}{2}$ share of Surinder Kaur, $\frac{1}{4}$ share of Jaspal Kaur and $\frac{1}{4}$ share of Tejinder Singh, is entered in the column of ownership. However, the father of the petitioner, vide sale deed No.2406, approved on 17.05.1984, had already sold 20 bighe 12 biswe land to Ujagar Singh, Jagdish Singh son of Meeta Singh and later on their father Sadhu Singh vide order dated 11.05.1984 of the Court of Sub-Judge 1st Class, Rajpura, transferred the ownership of 17 bighe 11 biswe land to Talsa Singh and Didar Singh. The whole raqba is indicated in Khana No.4 of the jamabandi for the year 2008-2009. As per the aforesaid jamabandi, Sadhu Singh had already sold 0-14 biswe raqba out of his share. Besides as per the vaseeka No.7746 dated 04.08.2011, and vaseeka No.7747 dated 04.08.2011, the due share of land had already been sold in excess. Therefore, the mutation of these vaseekas could

not be entered. As per the record, these vaseekas had been wrongly registered. Thus, from the perusal of the affidavit, it is established that the land in question was not owned by the petitioner at any point of time.

Keeping in view the above, this Court feels that no case for grant of pre-arrest bail is made out.

Dismissed.

17.03.2015
atulsehi

(JITENDRA CHAUHAN)
JUDGE