

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

CRM-M-24447-2015

Date of decision:- July 28, 2015

Hari Chand

....Petitioner...

VS

State of Punjab

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Kulwinder Singh, Advocate,
for the petitioner.

Jaspal Singh, J. (Oral)

Instant petition has been filed under Section 438 Cr.P.C. by Hari Chand, seeking pre-arrest bail, feeling apprehension of his arrest, in case FIR No. 59, dated 01.07.2015, under Section 420 IPC, at Police Station City Malout, District Sri Muktsar Sahib.

2. It has been contended by learned counsel for petitioner that petitioner is owner in possession of plot measuring 15'x60'=12 Biswasi 2/8 share of 2 biswas comprised in Khata No. 397/472, Khasra No. 2874/1728/17 (0-1-4-0) 2874/17287/18 (0-1-4-0) situated in the area of Mandi Malout H.B. No. 156 as per jamabandi for the year 2009-2010. Petitioner had sold the said plot in the name of Janki Devi, vide sale deed No. 523, dated 17.05.2013 and possession of the said plot was given to her at the spot. Mutation No. 8997 was also sanctioned in her favour but now, she has got registered a case by concocting a false story that though Hari Chand received a sum of ₹4.60 lacs but has not given the

possession of that plot which was shown to her as the same was different than that of the one, regarding which, sale deed was executed to her. In fact, petitioner was the owner of plot in question, which has been sold by him to the complainant. The dispute is with regard to possession thereof regarding which, Janki Devi also preferred a civil suit against Shankar Lal. The matter is of civil nature and petitioner is also ready to join the investigation and abide by all the terms and conditions, imposed by this Court, in case, he is granted the concession of pre-arrest bail.

3. This Court has given a thoughtful consideration to the submission made by learned counsel for petitioner but the same are without any substance.

4. Instant case has been registered after a due inquiry by the police and it has been clearly observed that allegations have been proved to the effect that Hari Chand showed some other plot to Janki Devi and fraudulently executed sale deed of plot of Shankar Lal s/o Late Nathu, which is under possession of Shankar Lal for the last about 40 years. While having full knowledge of all this, he took Janki Devi into his confidence by giving fake assurances and persuaded her to file a case against Shankar s/o of Nathu Ram in the Court of CJ, Malout. It has also been observed that he took ₹4.60 lacs from Janki Devi but did not hand over the possession to her till date.

5. So, in the given circumstances, no case is made out to exercise the discretion under Section 438 Cr.P.C. Even otherwise, Hari Chand was well aware that he is not in possession of land in dispute,

which has been sold to Janki Devi and has persuaded her to part with a sum of ₹4,60,000/-.

6. Petition stands dismissed.

(JASPAL SINGH)
JUDGE

July 28, 2015
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