

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

CRM-M No.25061 of 2015

Date of Decision:-22.09.2015

Lakha Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ajay Singh Ghanghas, Advocate for the Petitioner.

Mr. R.K. Doon, AAG Haryana.

Mr. Harkesh Manuja, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer is for grant of anticipatory bail under Section 438 Cr.PC to the petitioner-Lakha Singh in case FIR No.575 dated 6.7.2015 for offence punishable under Sections 420, 467, 468, 471, 506 & 34 of Indian Penal Code registered with Police Station Model Town Panipat.

The dispute is regarding a plot purchased with possession by the complainant vide sale deed dated 19.02.2015 from the legal representatives of conceded owner Daya Nand. Petitioner-Lakha Singh claims title on the basis of a full and final payment agreement dated 28.9.1998 executed by one Mam Chand, who in turn would be vested with the title by virtue of registered Will dated 10.05.1974 executed in his favour by the owner Daya Nand. Said Daya Nand died on 3.10.2004 and thereafter, it is claimed that Mam Chand became absolute owner and consequently petitioner Lakha Singh has a prior right.

It is contended that with regard to allegations of forgery qua the Will the petitioner has absolutely no role and as regards the allegations of threatening to kill, it is submitted that petitioner would not interfere with the

possession except in due course of law.

Learned Counsel for the complainant points out that the connivance of the petitioner with the said Mam Chand is writ large on the bare reading of the alleged full and final payment agreement dated 28.09.1998 (Annexure P-5). It is apparent that vide the said agreement full and final payment is stated to have been made by the petitioner to the said Mam Chand. However, no reference to any amount of money has been made. It is then interesting that all the rights of ownership and possession have been delivered to the petitioner on the basis of a Will dated 10.05.1974 in favour of Mam Chand without their being any reference of the same in the records maintained in the Municipal Committee. Still interestingly concededly the testator of the Will Daya Nand was alive at that time and admittedly died in the year 2004 while Mam Chand died in the year 1998.

Learned State counsel on instructions from ASI Mahavir Singh submits that pursuant to the interim order passed by this court petitioner has joined the investigation but has not cooperated in the investigation.

Without commenting on the merits of the case, keeping in view the above, it is apparent that the custody of the petitioner is necessary to complete the chain of investigation and as such he is not entitled to the concession of anticipatory bail.

Dismissed.

**(JASWANT SINGH)
JUDGE**

September 22, 2015

Vinay