

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-27380 of 2014

Date of Decision 29.01.2015

Radhe Shyam

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR.JUSTICE M.M.S BEDI

Present: Mr. Aakash Singla, Advocate,
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

Mr. Kanwaljeet Singh Brar, Advocate,
for the complainant.

M.M.S BEDI, J.(ORAL)

The petitioner seeks concession of pre-arrest bail in a case registered at the instance of Neelam Rani alleging that after the death of husband of complainant, the petitioner had fraudulently got a sale deed executed in his favour of the property belonging to the complainant in connivance with Rakesh Kumar and Paramjit Kaur. He had allegedly produced some other lady while executing the sale deed. The petitioner had further sold the property.

Learned counsel for the petitioner has contended that 1/6th share of 13 bighas which came to two and a half biswa was sold by complainant by appearing before the Sub Registrar. The photograph of complainant appears on the registered sale deed.

Counsel for the complainant has intervened to oppose the application contending that the mala fide of the petitioner is apparent from the fact that he has, after selling the property, gone to Rajasthan causing serious prejudice to the complainant.

After hearing counsel for the petitioner, counsel for the complainant and counsel for the State and going through the police file, it transpires that the sale consideration paid vide crossed cheque to the complainant stands credited in her account as per the Bank statement. Adequacy or inadequacy of the said amount is not to be determined by this Court but fact remains that a civil suit challenging the sale deed is pending before the Civil Court.

Petitioner has joined investigation. It does not appear to be case of custodial interrogation.

Petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of arresting officer subject to the conditions that he will join investigation as and when required and will not hamper the investigation or tamper with the evidence.

Nothing said in this order will prejudice the case of the complainant in any other litigation.

January 29, 2015
harsha

(M.M.S.BEDI)
JUDGE