

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

**Crl. Misc. No.M-292 of 2015
(O&M)**

Date of decision : 30.04.2015

Dr. Bhagwan Dass Savera

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.L. Chander Shekhar, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, Asst. AG, Punjab.

Mr. S.K. Chaudhary, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking anticipatory bail in FIR
No.55 dated 06.07.2014, registered under Sections 420,
467, 468, 471, 120-B IPC, Police Station Division No.1,
Pathankot, District Gurdaspur.

Heard.

Counsel for the petitioner contends that the
petitioner, a Ayurvedic Doctor was treating Sharuti Lal, who
used to come to Pathankot from Amritsar. He contends that

Sharuti Lal had desired that all his movable and immovable properties should be gifted to "Shishu Samaj Sewa Society" run by the petitioner and during his life time, Sharuti Lal had executed an agreement to sell his house to Ravinder Pal and Gagandeep for Rs.12 lacs and had received an amount of Rs.4 lacs as earnest money and had handed over the possession but he died on 17.12.2013 before the date of execution of the sale deed.

Relating the facts, the counsel for the petitioner further states that the sister of the deceased requested the petitioner for renovation of the house and gave Rs.2 lacs and the house was renovated and now she has levelled allegations that the house-hold articles of the house have been misappropriated and false allegations are being made and he is ready to join the investigation and refers to the agreement Annexure P-2.

The bail petition has been opposed by the complainant side who has put in appearance today and has filed his power of attorney along with some documents. Counsel for the complainant states that they wanted to file a crl. miscellaneous application but since it was filed late, it could not be put up and he may be permitted to place on records documents Annexures C-1 to C-3. Same are taken on record.

Counsel for the complainant points out that the petitioner had prepared a false agreement and Sharuti Lal did not execute any agreement and reading of Annexure C-1 would show the manner in which petitioner Bhagwan Dass had usurped the property and Ravinder Pal and Gagandeep had filed a suit for permanent injunction seeking restrain of the complainant side from interfering in the property and they did not implead Bhagwan Dass as a party and all of them are privy to the conspiracy to grab the property and the complainant is running from pillar to post fighting litigation.

The State counsel states that they had interrogated Ravinder Pal and Gagandeep and they were found to be innocent and they had stated that the petitioner had let them to believe that there was an agreement.

The allegations against the petitioner are serious. There is an attempt to grab the property of Sharuti Lal and it is with the active connivance of Ravinder Pal and Gagandeep. Though, the stand taken by the police is that they were innocent, perhaps the facts have not been examined by the police. Ravinder Pal and Gagandeep relying upon the agreement have filed a civil suit and have not impleaded Bhagwan Dass as a party and are claiming a right. This aspect should be examined by the police.

The allegations against the petitioner are grave. His custodial investigation is necessary. In a case like this, effective interrogation of the petitioner would be of tremendous advantage in eliciting information and material. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail. The present case cannot be said to be of false implication. I do not think that the petitioner is entitled to the discretionary relief of anticipatory bail. Protective umbrella of anticipatory cover cannot be granted to the petitioner.

The petition is dismissed.

30.04.2015
sunil

(ANITA CHAUDHRY)
JUDGE