

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: November 4, 2015

1. CRM M-32428 of 2015

Ramandeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

2. CRM M-36546 of 2015

Gurdev Ram @ Gurdev Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr. Ravi Malhotra, Advocate
for the petitioner in
CRM M- 32428 of 2015

Mr. C.L. Pawar, Advocate
for the petitioner in
CRM M- 36546 of 2015.

Mr. Gazi Mohammad, DAG, Punjab.

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M.M.S. BEDI, J.

This order will dispose of two petitions bearing CRMs M-32428 and 36546 of 2015 arising out of the same FIR.

The FIR was registered at the instance of Manoj Kumar Sharma alleging that he had purchased land in Tehsil Balachaur and used to look after the same personally. In July 2014, from revenue record he found that his land had been sold by Dharminder Singh and Manoj Kumar by impersonation. He obtained the copies of the registered documents and found that the above said persons in connivance with Namberdar sold his land to Manjit Singh and Ran Vijay Bhatti illegally on June 26, 2014 and another sale deed dated April 22, 2013.

Counsel for petitioner Ramandeep Singh has submitted that he had purchased 16 kanals of land from one Mata Parshad resident of Delhi for consideration of Rs.3.20 lacs vide sale deed dated February 28, 2014 and Mata Parshad was competent to sell the land being owner of the property. He claimed that it was Mata Parshad who had even played fraud with petitioner Ramandeep Singh. Counsel has vehemently urged that there is no allegation in the FIR that the land purchased by the petitioner from Mata Parshad vide sale deed dated February 28, 2014 is the property of the complainant.

I have heard learned counsel for petitioner Amandeep Singh and gone through the record. During the course of investigation it has transpired that Amarbir Singh had impersonated as Mata Parshad and

sold 16 kanals of land in Village Majahat to Narinder Singh, another 15 kanals to Tasma Rani, besides selling 16 kanals to Ramandeep Singh and 40 kanals to Balwinder Singh vide sale deeds dated February 28, 2014, May 22, 2014, October 28, 2014 and November 10, 2014, respectively. The allegation against petitioner Ramandeep Singh is that though he has got transferred only 16 kanals of land in his favour but he is the one who has master minded the entire transaction. Since petitioner Ramandeep Singh is one of the beneficiaries, without his custodial interrogation, it will not be possible to determine the modus operandi and culpability. No ground is made out to grant concession of pre-arrest bail to petitioner Ramandeep Singh.

So far as petitioner Gurdev Ram @ Gurdev Singh is concerned, he allegedly identified the impersonator before the Sub Registrar as Manoj Kumar Sharma.

Counsel for petitioner Gurdev Ram @ Gurdev Singh has argued that he had only identified the purchaser by appearing as an attesting witness to the sale deed.

I have considered his role and I am of the opinion that the role of the attesting witness in the present case is akin to the role of the other accused thus he cannot be granted the concession of pre-arrest bail as his custodial interrogation is necessary for determining the true facts. At the instance of Mata Parshad, another FIR No. 139 dated October 22, 2015 has

been registered on the allegation that Ramandeep Singh had mortgaged the property in dispute for a sum of Rs.10 lacs with Allahabad Bank.

It is not out of place to observe here that the petitioners have relied upon the orders passed in case of one Dhian Singh who has been granted the concession of pre-arrest bail.

I have gone through the order dated September 8, 2015 passed in favour of Dhian Singh. Said Dhian Singh had been granted the concession of pre-arrest bail as he was not attributed any role in the transaction of sale which is subject matter of the FIR. No parity can be claimed from said Dhian Singh.

In view of the above, the petitions for pre-arrest bail filed by the petitioners are thus dismissed without prejudice to their right to seek concession of regular bail by surrendering before the Illaqa Magistrate or investigating officer.

November 4, 2015
sanjay

(M.M.S.BEDI)
JUDGE