

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

**Criminal Misc. No. M-39141 of 2015 (O&M)
Date of decision: 01.12.2015**

Roma Devi and another

..Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Rao Ajender Singh, Advocate
for the petitioners.

Daya Chaudhary, J. (Oral)

CRM-38875 of 2015

This application is for placing on record Annexure P-4.

Application is allowed and Annexure P-4 is taken on record.

CRM-M-39141 of 2015

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.304 dated 24.09.2015 registered under Sections 406, 420 and 506 of Indian Penal Code at Police Station City, Kaithal.

Learned counsel for the petitioners submits that the present FIR has been registered after a delay of 2½ years and no

explanation whatsoever has been given regarding the same. The petitioners purchased the land from one Gurbax Singh and mutation was also entered in the name of the petitioners. The ownership of land cannot be disputed as the petitioners have acquired the right of ownership. The FIR was registered at Kaithal whereas cause of action arose at Kalka. Learned counsel also submits that co-accused of the petitioners has approached this Court by way of filing Criminal Misc. No. M-38770 of 2015 wherein notice of motion has been issued. The petitioners are ready to join investigation.

Heard arguments of learned counsel for the petitioners and have also perused the allegations levelled in the FIR.

Admittedly, petitioner No.1 purchased land from Gurbax Singh on 13.07.2011. Subsequently, that land has been sold to some other person. As per allegations levelled in the FIR, neither Gurbax Singh nor the petitioners are owner of the land in dispute as when the petitioners came to know that Gurbax Singh was not the owner of the land in dispute, they subsequently, sold the land to the complainant. It cannot be said that the petitioners are *bonafide* purchasers and only on the basis of mutation, no right has accrued to them. Only on the basis of revenue entries, the land in dispute is being claimed whereas neither Gurbax Singh nor the petitioners are owners as the land was being used as street and by tempering with the revenue record, the same has been sold. The petitioners cannot claim benefit on this basis as only after seeing the record, they purchased the same and

their intention is also clear when the same has been sold to some other person.

Hence, no ground is made out to grant anticipatory bail to the petitioners and the petition being devoid of any merit is hereby dismissed.

01.12.2015
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(DAYA CHAUDHARY)
JUDGE