

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. 4029-M of 2015

Date of Decision: 18.02.2015.

Surjan Singh and another PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. D.S.Malwai, Advocate,
for the petitioners.
Mr. K.S.Sidhu, DAG, Punjab.
Mr.Satwant Singh Rangi, Advocate,
for the complainant.

LISA GILL, J.(Oral)

Petitioners prays for grant of anticipatory bail in
FIR No. 09 dated 28.01.2015 under Sections 406, 420 and
120-B, IPC, registered at Police Station Amloh, District
Fategarh Sahib.

Learned counsel for the petitioners vehemently
contends that colour of criminality is sought to be given to
the present dispute which is purely civil in nature. Learned

counsel for the petitioners submits that they are ready and willing to execute the sale deed. The loan which has been obtained by them by mortgaging the property in question can be cleared by the complainant from the outstanding balance amount to be paid by them to the petitioners.

Learned counsel for the State as well as the complainant vehemently oppose this petition. It is informed that the execution of the sale deed was fixed for 24.10.2014. The agreement to sell is dated 06.02.2014. As per the said agreement the petitioners as well as Sohan Singh co-accused/non-applicant, who is the brother of Harbans Singh petitioner No.2 and son of Surjan Singh petitioner No.1 were to clear the loan amount prior to 24.10.2014. However, on 17.10.2014, Sohan Singh approached the complainant and on receipt of ₹76,00,000/- got the date for execution of the sale deed extended to 28.04.2015 on the pretext that the present petitioners have gone out of station and he would get their signatures appended on the receipt later. Sohan Singh alone signed on the receipt. However, dishonest intention of the petitioners as well as accused Sohan Singh became apparent on 24.10.2014 when they reached the office of Tehsildar, Amloh and got marked their presence.

I have heard learned counsel for the parties.

Receipt of ₹76,00,000/- by the co-accused Sohan

Singh is denied by the petitioners. However, it is not denied that all the accused had got their presence marked in the office of Tehsildar on 27.10.2014 as 24th , 25th and 26th October, 2014 were holidays

Keeping in view the facts narrated above and the specific allegations against the petitioners-accused no case is made out for extending the benefit of anticipatory bail to them.

Petition is accordingly dismissed.

18.02.2015.

Anoop

(LISA GILL)

JUDGE