

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

Crl.Misc.No.M-40465 of 2014

Date of decision : 16.7.2015

Pawanjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Ashish Aggarwal, Advocate
for the petitioner.

Mr. P.J.S.Hundal, AAG, Punjab.

.....

MAHESH GROVER, J.

This is a petition under Section 438 Cr.P.C. praying for release of the petitioner in terms thereof in a case registered vide FIR No.12 dated 27.1.2014 under Sections 420/120-B IPC at Police Station Maqboolpura, District Amritsar City.

The petitioner is alleged to have sold a plot of 250 sq.yards bearing No.46. The sale deed was executed on 22.11.2010. The petitioner has filed the complaint after three years alleging fraud. A report had been summoned from the Patwari who has stated that Khasra No. No.481 is consisting of 0 Kanal 18 Marlas and as per the jamabandi 2010-11 at Khata No.732/931. In the column of ownership entry of Sawan Singh-Kartar Kaur Akal Trust is recorded to the extent of 8/18 share

while the share of Simmi has been recorded to the extent of 10/18. He has, however, stated that a plot of 10 marlas cannot be carved out because the colony is unapproved.

Learned counsel for the petitioner contends that there was a valid sale deed in favour of the complainant on the strength of the sale deed which existed in his own favour and thus the complainant cannot allege any fraud.

The respondent, on the other hand, contends that this is an unauthorised colony and the area cannot be demarcated and thus the petitioner has duped the complainant.

After hearing the learned counsel for the parties and noticing the fact that the complaint has been made after three years and further noticing the fact that there is something to suggest that the sale executed by the petitioner finds mention in the revenue record suggesting a valid transfer, I am of the opinion that the interim protection granted by this Court deserves to be made absolute.

Ordered accordingly subject to the condition that the petitioner continues to comply with the provisions of Section 438 (2) Cr.P.C.

Petition allowed.

16.7.2015

(MAHESH GROVER)
JUDGE

dss