

CRM-M-41373-2014 (O&M)

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

CRM-M-41373-2014 (O&M)

Date of Decision: January 08, 2015

Vijay Kumar

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.M.S.Kang, Advocate
for the petitioner.

Mr.Shilesh Gupta, Additional Advocate General,
Punjab.

Mr.R.V.S.Chug, Advocate
for the complainant.

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Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C.,
is for grant of anticipatory bail to the petitioner, Vijay Kumar,
who has been booked for having committed the offences
punishable under Sections 120-B, 406, and 420, IPC, in a case
arising out of FIR No.111, dated 25.10.2014, registered at Police
Station, Mahilpur, District Hoshiarpur.

In view of the notice issued vide order, dated

04.12.2014, the State of Punjab as well as the complainant through his counsel have appeared before this Court.

Learned counsel for the petitioner submits that the only allegation against the petitioner and his co-accused Jagtar Singh is that they introduced the complainant Hussan Lal with Mohammed Sajid and they (Hussan Lal and Mohammed Sajid) entered into an agreement with regard to sale of 20 marlas of land and a house and shops built thereon. He further contends that it has nowhere come in the investigation that the petitioner and his co-accused Jagtar Singh were aware of the fact that the property in dispute was owned by Punjab WAKF Board. He further contends that the said fact assumed importance when it is the conceded case of the prosecution that the said property was in possession of Mohammed Sajid. He further contends that the petitioner and his co-accused Jagtar Singh are not the beneficiaries.

Learned counsel for the State very fairly concedes that it has not come on record that the petitioner, Vijay Kumar and his co-accused Jagtar Singh were aware of the fact that the property in dispute was owned by Punjab WAKF Board. However, they are the persons who introduced the complainant Hussan Lal with

Mohammed Sajid and on their persuasion Hussan Lal had agreed to purchase the disputed property and, as such, he is not entitled to concession of anticipatory bail.

Learned counsel for the complainant, in addition to the submissions made by the learned counsel for the State, submits that the petitioner and his co-accused Jagtar Singh had intimidated the complainant of dire consequences if Hussan Lal asked for return of the payment made by him to Mohammed Sajid.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

As per the allegations the petitioner and his co-accused Jagtar Singh had introduced Hussan Lal with Mohammed Sajid to enter into an agreement to sell 20 marlas of land, a house and shops built thereon. Perusal of the material available on record would reveal that they were not aware of the fact that the said property was owned by the Punjab WAKF Board.

Concededly, the petitioner is not the beneficiary. The main accused is Mohammed Sajid. Civil litigation with regard to said property between Mohammed Sajid and Punjab WAKF

Board has reached upto this Court. Allegations levelled against the petitioner are to be substantiated during course of trial. Nothing is to be recovered from him.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. In the event of arrest, the petitioner shall be admitted to bail subject to his furnishing bail bonds to the satisfaction of the Arresting Officer.

January 08, 2015
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(NARESH KUMAR SANGHI)
JUDGE