

CRM-M-4553-2013 (O&M)

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

**CRM-M-4553-2013 (O&M).
Decided on: December 14, 2015.**

Anoop Khullar and another

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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

**PRESENT Mr.P.S.Hundal, Sr. Advocate, with
Mr.Jashandeep Singh, Advocate,
for the petitioners.**

Mr.Jashan Preet Singh, AAG., Punjab.

**Mr.J.S.Bedi, Sr. Advocate, with
Mr.Harpreet Multani, Advocate,
for the complainant.**

M.M.S. BEDI, J.

Petitioners seek concession of pre-arrest bail in a case registered at the instance of Bimal Batta alleging that they have connived together with their co-accused Budh Raj and committed fraud with her by getting sale deed of land measuring 4 biswas registered in favour of petitioner No.1 through imposter of Chanan Ram.

The grievance of the complainant is that she is co-sharer and came to know that Chanan Ram had died long ago whereas sale deed has been executed in favour of petitioner No.1

CRM-M-4553-2013 (O&M)

after his death. Petitioner No.2 has acted as marginal witness to the sale deed.

The main contention of counsel for the petitioners is that when sale deed dated 11.11.2011, was executed by Chanan Ram in favour of petitioner No.1, before Sub Registrar, Amloh, after taking full consideration, Chanan Ram was alive. Documents which were produced regarding identification were genuine.

Counsel for the petitioners has also argued that it was Jagtar Singh petitioner No.2 who had duped petitioner No.1 by introducing to one Gurdev Singh who impersonated Chanan Ram and made petitioner No.1 to enter into sale transaction with Chanan Ram. It has been argued that petitioner No.1 is a bona fide purchaser. The petition on behalf of petitioner No.2 is not pressed by the counsel for the petitioners and prays that it be dismissed.

The case for pre-arrest bail has been pressed only of Anoop Khullar. It has also been argued that the complainant has no locus to allege cheating and fabrication of documents in view of judgment in **Md.Ibrahim and others Vs. State of Bihar and another, 2009 (4) RCR (Crl.) 369.**

Counsel for the complainant has opposed the application for pre-arrest bail contending that statement of Gurdev Singh under Section 164 Cr.P.C., has been recorded and that he has masterminded and committed offence as alleged by the complainant. Statement of Gurdev Singh recorded under Section 164 Cr.P.C., has

CRM-M-4553-2013 (O&M)

been appended with the reply of the State as Annexure P2. It has also been argued that the address of Chamkaur Singh has been given by Chanan Ram and statement of Chamkaur Singh under Section 164 Cr.P.C., has been recorded to the effect that Chanan Ram has never resided at the address which is that of Chamkaur Singh.

Counsel for the complainant has submitted that the documents like Voters Card have been prepared by petitioner No.1 as per Gurdev Singh who is in custody.

On the other hand, Mr. J.S.Bedi, learned senior Advocate, appearing on behalf of the respondent-complainant contends that accused Gurdev Singh has made a statement under Section 164 Cr.P.C. on 3.11.2015, in the Court of Magistrate that petitioner Anoop Khullar had masterminded all the steps of getting opened a bank account for Gurdev Singh for preparation of Aadhar Card. The statement of accused under Section 164 Cr.P.C. clearly points towards the culpability of petitioner No.1 of having manipulated the transfer of the property of Chanan Ram who had died much before the execution of the sale deed. Statements of Chamkaur Singh and Manjinder Singh have been placed on record. The account opening form of Chanan Ram indicates that it was petitioner No.1 who had introduced him. Taking into consideration, the nature of the allegations against petitioner No.1 and he having been instrumental in getting the share of Chanan Ram transferred in his favour, no extra

CRM-M-4553-2013 (O&M)

ordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner.

The petition is dismissed without prejudice to the rights of the petitioners to seek concession of regular bail.

December 14, 2015.
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(M.M.S. BEDI)
JUDGE