

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-4261-2015

Date of decision : 09.02.2015

Harjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Ritesh Pandey, Advocate
for the petitioner.

REKHA MITTAL, J.(ORAL)

The petitioner prays for grant of pre-arrest bail in FIR No.5 dated 1.01.2015 registered in Police Station Dhariwal, District Gurdaspur for offence punishable under Section 420 of the Indian Penal Code.

Counsel for the petitioner inter alia contends that in the year 2001, the petitioner took money from his brother Sukhtinder Singh complainant and executed sale deed in favour of his wife with the assurance that after return of money, land would revert back to him. It is further argued that in view of close relationship between the parties, the petitioner did not insist for cancellation of the sale deed nor the vendee got mutation sanctioned in her favour on the basis of sale. It is further argued that all the documents executed by the petitioner for securing loan from the Co-operative Bank by mortgaging the land in question are in the custody of the bank, thus, custodial interrogation of the petitioner is not required. The petitioner is ready to join investigation and co-operate throughout.

I have heard counsel for the petitioner and perused the records.

The plea of the petitioner that he executed the sale deed in the year 2001 with any such understanding between the parties cannot be appreciated at this stage. The petitioner created a charge over the land which he has already sold in favour of wife of Sukhtinder Singh (complainant). Keeping in view the allegations against the petitioner, I do not think it to be a fit case wherein the petitioner deserves benefit of pre-arrest bail, a concession to be allowed in cases lodged due to political vendetta or for some extraneous consideration.

Dismissed.

(REKHA MITTAL)
JUDGE

February 09, 2015.

DK