

CRM-M-44085-2014

Decided on: 02.02.2015**Kulwant Singh and another****..... Petitioners****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. K.S.Kahlon, Advocate,
for the petitioners.

Mr. J.S.Brar, AAG, Punjab.

Mr. Vishal Sharma, Advocate
for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioners seek concession of pre-arrest bail in a case registered on the allegation that one Sadhu Ram, owner of the property, was unheard for a period of 24-25 years. Amarjit Singh co-accused of the petitioners got a mutation of inheritance entered in the name of Ram Dass on 18.04.2012 founded on the basis of fake death certificate of original Sadhu Ram. The said property was sold on the same day to Amarjit Singh. Amarjit Singh got the property of Sadhu Ram transferred in his name in connivance with the petitioners.

So far as the petitioner No.1 is concerned, he is an attesting witness to the sale deed executed by Ram Dass.

As per police file, it is apparent that on the statement of Santokh Singh petitioner No.2, a Nambardar, mutation of inheritance of Sadhu Ram was entered in the name of Ram Dass, who on the same day executed the sale deed.

Learned counsel for the petitioners submits that the petitioner No.1 had attested the sale deed on the asking of one Amrik Singh, who is brother of Amarjit Singh beneficiary. Petitioner No.1 happens to be Sarpanch of the village.

The investigation is at initial stage. Petitioners being Sarpanch and Lambardar of the village cannot plead ignorance to the modus operandi of Amarjit Singh, who initially got mutation entered on the basis of fake death certificate in the name of Ram Dass, who was not even heir of Sadhu Ram and sold the same on the same very day by joining the petitioner No.1 as an attesting witness. On the face of it, the role of the petitioners is unfair and the circumstances do not warrant the grant of pre-arrest bail to the petitioners.

Dismissed.

Nothing said in this order will prejudice the right of petitioners to seek concession of regular bail by surrendering before the Illaqa Magistrate or the Investigating Officer.

(M.M.S.BEDI)
JUDGE

February 02, 2015

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