

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

(226)

CRM-M-8069 of 2013

Decided on: August 14, 2015.

Rakesh Pal and others

.... Petitioners

Versus

State of Punjab

..... Respondent

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

Present: Mr. D.R. Punia, Advocate,
for the petitioners.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Ms. Manjari Joshi, Advocate,
for respondent No.2.

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

The petitioners are accused in a case registered at the instance of Lehmbur Singh alleging that petitioners trespassed into the house and committed theft of articles from the Haveli besides threatening him. They seek quashing of the FIR on account of they being bona fide purchasers having purchased the property from the wife of the complainant vide registered sale deeds dated 03.08.2011 and 09.03.2004.

The FIR was registered in the present case in the year 2012. Vide interim order passed by this court on 10.11.2014 this Court had directed the police to verify the authenticity of the aforesaid sale deeds.

An affidavit has been filed by Deputy Superintendent of Police, Phillaur to the effect that the sale deeds are authenticated and property was

sold by Baljinder Kaur ex-wife of the complainant to petitioner No.1 and that at present the petitioner is in possession of the property.

Taking into consideration the above said circumstances, I am of the opinion that prima facie the petitioners have got a good defence which creates doubt regarding the authenticity of the allegations in the FIR but instead of quashing the FIR, taking into consideration the fact that the charges have been framed I am of the opinion that ends of justice would be adequately met in case a direction is issued to the prosecution agency to produce the entire prosecution evidence within a period of three months. The trial Court shall thereafter give a fair opportunity to the petitioners to produce their defence and to establish their innocence by impeaching the credibility of the complainant. In case the order is not complied with, it will be open to the petitioners to approach this Court again. It is made clear that in case the petitioners move an application for exemption from personal appearance, the trial Court will allow the said application. Any conditions may be imposed upon the petitioners as per provisions of Section 273 Cr.P.C. The evidence in said circumstances can be recorded in presence of counsel for the petitioners by exempting the appearance of the petitioners.

Disposed of with the aforesaid directions.

Nothing said in this order will prejudice the right of the complainant or State, in any manner.

(M.M.S. BEDI)
JUDGE

August 14, 2015
harsha