

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

(i) Criminal Misc.No.M-1101 of 2016 (O&M)
Date of Decision : 22nd November, 2016

Jaskaran Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

(i) Criminal Misc.No.M-1785 of 2016 (O&M)

Sukhjot Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Deepak Aggarwal, Advocate
for the petitioners.

Mr. K.S.Pannu, DAG, Punjab
for the respondent(s)-State.

Mr. P.K.S.Phoolk, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This order shall dispose of aforesaid two petitions, filed by the petitioners, for grant of anticipatory bail in case FIR No.188 dated 15.12.2015, registered at Police Station Civil Lines Bathinda, District Bathinda, under Section(s) 420/34 IPC.

The allegations made by the complainant were that her brother was an insane person and the petitioners got executed and registered a sale

deed from him without even paying him any money.

On 13.01.2016, this Court passed the following order in Criminal Misc.No.M-1101 of 2016:-

“Petitioners seek the concession of pre-arrest bail in case F.I.R No.188 dated 15.12.2015 under sections 420, 34 I.P.C registered at Police Station, Civil Lines, Bathinda, District Bathinda.

Counsel would submit that the F.I.R in question had been registered on the complaint of Sarabjit Kaur. Allegations are that the present petitioners in connivance with each other have got registered one sale deed dated 3.8.2015 in respect of land measuring 8 kanals 6 ½ marlas belonging to brother of the complainant namely Ranveer Singh by taking advantage of his mental condition.

Counsel would argue that the complainant Sarabjit Kaur filed objections with regard to the mutation sanctioned on the basis of the sale deed in question and such objections were dealt with and rejected in terms of order dated 30.10.2015 passed by the S.D.J.M exercising the powers of Assistant Collector-II, Bathinda at Annexure P-2. Counsel further submits that pertaining to the same very agricultural land even suit for declaration was instituted on 12.12.2015 by Ranveer Singh through present complainant namely Sarabjit Kaur and against Sukhjeet Kaur i.e. wife of petitioner no.1, wherein challenge was to the sale deed for the same very land measuring 8 kanals and 6 ½ marlas. Contention raised in a nutshell is that inspite of civil litigation being pending for the land in question, F.I.R has been registered later in point of time.

Notice of motion, returnable for 4.3.2016.

In the meantime, petitioners are directed to join investigation forthwith.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting

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Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

On 19.01.2016, this Court, passed the following order in Criminal Misc.No.M-1785 of 2016:-

“Counsel would, inter alia, contend that co-accused Jaskaran Singh and Gurjeet Singh have been granted ad interim protection as regards arrest in terms of order dated 13.01.2016, passed by this Court in CRM No.M-1101 of 2016.

Notice of motion, returnable for 04.03.2016.

To be listed along with CRM No. M-1101 of 2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

Learned counsel for the complainant has vehemently argued that the custodial interrogation of the petitioners is required.

On the other hand, learned counsel for the petitioners has argued that the whole case hinges on the mental condition of the vendor and in any case in the civil suit, there is already an interim order, restraining the petitioners from alienating the suit property. As per learned counsel for the petitioners, if the complainant side is able to prove that the vendor was not mentally fit to make the sale deed, the land would come back to them but at this stage their custodial interrogation cannot be insisted upon.

I find myself in agreement with the learned counsel for the petitioners.

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In these circumstances, both the petitions are allowed. Interim orders dated 13.01.2016, passed in Criminal Misc.No.M-1101 of 2016 and 23.09.2016, passed in Criminal Misc.No.M-33799 of 2016 are made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

22nd November, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No