

(1)

CRM-M-12914-2016**Date of Decision : 26.05.2016**

Sukhwinder Singh

.....Petitioner

versus

State of Haryana

....Respondent

(2)

CRM-M-12921-2016**Date of Decision : 26.05.2016**

Karamjit Kaur

.....Petitioner

versus

State of Haryana

....Respondent

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

Present: Mr. Partap Singh, Advocate
for the petitioner.

Mr. C.S. Bakhshi, Addl.A.G., Haryana.

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

This order will dispose of two petitions, one filed by Sukhwinder Singh (CRM-M-12914-2016) and other by Karamjit Kaur (CRM-M-12921-2016) for grant of pre arrest bail.

The case of complainant, Virender Kaur, as per the FIR, is that a plot was purchased by her son from one Partap Singh which was later on transferred in the name of the complainant. The co-accused of the petitioners, Harjit Singh, in connivance with the petitioners and other accused persons prepared a forged sale deed of the same plot in favour of petitioner - Karamjit Kaur. They also got forged sale

deed of the area reserved for roads in favour of Karamjit Kaur – petitioner.

Learned counsel for the petitioners has submitted that petitioner, Sukhwinder Singh has been involved in the case on account of political rivalry as he is connected with the Congress Party and that vague allegations have been levelled against petitioner, Sukhwinder Singh and his sister.

With the assistance of State counsel, I have gone through the police file. The land forming plot in dispute appears to have been in original ownership of Partap Singh who had carved out plots and sold the plots to different persons in the year 1990. As per the allegations in the police record, the petitioner Sukhwinder Singh deals in the property. Harjit Singh had sold a plot to Karamjit Kaur on 08.03.2011. Karamjit Kaur had transferred the said plot to co-accused, Rupinder Kaur on 08.07.2011. Grievance of complainant, Virender Kaur, is that her son, Rajesh Malik, who has purchased the property from Partap Singh has not been provided any possession and that the property which forms part of paths in the Colony stands transferred.

I have also considered the contentions of learned counsel for the petitioners that the property which has been sold by the sister of petitioner Sukhwinder Singh is a different property than the property which is alleged to be owned by Rajesh Malik, son of the complainant.

There is a report of revenue officer on the police file to the effect that the property which has been sold to the complainants' son in

Khasra No. 18/22 is the only plot and there is no other plot in the said Khasra number which could be transferred to Karamjit Kaur or Rupinder Kaur.

I have also considered the contentions of learned counsel for the petitioners that whatever property was purchased by virtue of registered sale deed by Karamjit Kaur has been further sold to Rupinder Kaur. It is interesting to note that the plot which was purchased by Karamjit Kaur on 08.03.2011 was immediately sold on 08.07.2011 through the petitioner, Sukhwinder Singh, to Rupinder Kaur. After going through the entire record, it is apparent that prejudice has been caused to the right, title and interest of Rajesh Malik, son of the complainant, by the conduct of petitioner Sukhwinder Singh, who had got the plot of Karamjit Kaur transferred to Rupinder Kaur despite the fact that there was defect regarding the title and ownership of the property sold. Main role appears to have been played by Sukhwinder Singh – petitioner.

Karamjit Kaur, being a lady, can be granted the concession of pre-arrest bail. The application of Karamjit Kaur (CRM-M-12921 of 2016) is allowed. It is ordered that in case of arrest of petitioner, Karamjit Kaur, she will be released on bail to the satisfaction of the arresting officer, subject to all the conditions under Section 438 (2) Cr.P.C.

Application of Sukhwinder Singh (CRM-M-12914 of 2016) for grant of pre-arrest bail is dismissed without prejudice to his right to

claim regular bail. Petitioner can approach this Court again for protecting his liberty in case the matter is amicably resolved.

(M.M.S. BEDI)
JUDGE

26.05.2016
Neha