

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 15247 of 2016

Date of decision: 19.5.2016

Sanjay

Petitioner

vs.

State of Haryana

Respondent

Present: Mr. Sandeep Kotla, Advocate.
Mr. GS Salwara, DAG, Haryana

M.M.S.BEDI,J.

The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Rajbir son of Dalip Singh on the basis of the allegations that Dalip Singh was owner of land measuring 230 kanals 2 marlas. After the death of Dalip Singh in 2005, the complainant along with his brother Varinder , four sisters, mother Daya Kori and grand mother Chandro Devi became owners in equal shares to the extent of 14 kanal 7 marlas each. On March 3, 2009, the share of Chandro Devi was transferred in the name of Daya Kori despite the fact that Chandro Devi had died . Mangla Devi was produced as impersonator in place of Chandro Devi. She was identified by the petitioner to be Chandro Devi and a sale deed was executed in favour of Daya Kori on 3.3.2009.

Counsel for the petitioner has contended that share of the complainant has now been given to him, as such, matter has been compromised. No opinion can be expressed regarding matter having been compromised on the basis of affidavit, copy of which has been placed on record as Annexure P-2.

On asking of the court, it has been informed that the lady, who

impersonated Chandro Devi has neither been arrested nor she has joined the investigation. The alleged compromise between the parties will not, in any manner, nullify the registered document dated 3.3.2009, which was got executed by active participation of the petitioner by identifying the impersonator. Practice to identify an impersonator and facilitating transfer of property by registered document is a fraud against the system, which could have far reaching consequences, prejudicing the right, title and interest of the parties in the property. Matter having been compromised may constitute a good ground for grant of regular bail but no extra ordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner.

Dismissed.

May 19 ,2016
TSM

(M.M.S.BEDI)
JUDGE