

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

CRM-M- 16009 of 2016 (O&M)

Date of decision: 15.12.2016

Harwinder Kumar @ Harminder Kumar and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Jaidka, Advocate for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Butta Singh.

Mr. Palwinder Singh, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.27 dated 20.02.2016, registered under Sections 419, 420, 467, 468, 471 and 120-B of IPC, at Police Station Civil Lines, Bathinda.

It is contended that the complainant, Baljinder Kaur purchased a plot measuring 233 sq. yards from the present petitioners in the year 2011. Subsequently, the complainant came to know that the petitioners acquired the ownership of the said plot on the basis of a forged and fake sale deed. The original owner of the

plot Babu Singh has not made any complaint against the petitioners that they acquired ownership on the basis of forged documents. The civil suit between the parties is already pending adjudication before the competent Court wherein the complainant has been arrayed as defendant. He further states that in pursuance of order dated 10.05.2016, the petitioners have repeatedly joined the investigation.

On the other hand, the learned State counsel as well as learned counsel for the complainant opposes the bail application and submit that petitioner in conspiracy with each other acquired the ownership of the plot in question on the basis of fake and forged documents.

Heard.

It is not in dispute that the original owner of the plot was Babu Singh who executed joint sale deed No.1997 dated 23.06.1992 qua the land measuring 463 sq. yards, whereby land measuring 223 sq. yards was transferred in the names of Surinder Singh and Harjinder Kaur and remaining land measuring 240 sq. yards was transferred in the names of the petitioners as well as one Indra Devi. It has come on record that both the petitioners in connivance with Chinder Kaur, Ex.M.C., and one Bhura Singh by impersonating Harjinder Kaur and Surinder Singh got transferred the land measuring 223 sq. yards in their favour and got executed mutation No.56240 in their names and later on executed the sale deed in the

year 2011 in favour of the complainant. The petitioners instead of handing over the possession of actual plot, have delivered the possession of other plot which belongs to Babu Singh son of Bachan Singh. The investigation is at the initial stage. In view of the above facts and circumstances, this Court feels that the custodial interrogation of the petitioners is necessary in the matter. No case for anticipatory bail is made out, at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

15.12.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No