

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

Criminal Misc. No.M-17159 of 2016(O&M)

Date of Decision: June 01, 2016

Hardev Singh son of Shri Ujagar SinghPetitioner

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

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

Mr.KD Sachdeva, Addl. Advocate General, Punjab.

Mr.DS Brar, Advocate for the complainant.



TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure seeking concession of anticipatory bail to the petitioner in case FIR No.32 dated 17.3.2016, registered under Section 420 of the Indian Penal Code at Police Station City Malerkotla, District Sangrur.

2. Briefly noticed, FIR was registered at the instance of Jasvir Kaur wife of Naib Singh through her power of attorney Kulwant Singh stating that the present petitioner had sold 0-5.2/3 marlas land for a total sale-consideration of ₹29 lacs vide sale-deed No.3223 dated 18.3.2014 from the total land holding of 29 kanals 18 marlas bearing khasra No. 2432/6 (3-0), 2432/7 min (1-17), 2432/7/2 (6-0), 2432/2 min (19-0). Mutation was

also stated to have been sanctioned in favour of the complainant. Allegations were that after execution of the sale-deed, Jasvir Kaur became aware that Hardev Singh, accused/present petitioner had also sold the plot in question to some other person and as such, the complainant had been cheated and defrauded of an amount of ₹29 lacs.

3. This petition had come up for preliminary hearing on 18.5.2016 and the stand taken on behalf of the petitioner was that after registration of the sale-deed dated 18.3.2014, there were certain corrections in the revenue records and which had forced the hands of the petitioner to enter into a compromise/settlement dated 6.1.2015 at Annexure P3 and in pursuance of which, the entire sale-consideration had been returned to Jasvir Kaur. Contention raised was that the FIR had been got registered at the instance of Kulwant Singh who is the power of attorney holder of Jasvir Kaur who lives abroad and the entire objective is only to extract some more money from the petitioner.

4. Notice of motion was issued in the petition returnable for today.

5. Complainant is represented through Mr.DS Brar, Advocate.

6. Learned State counsel as also learned counsel for the complainant have vehemently opposed the prayer made in the petition.

7. It has been contended on behalf of the complainant that not only has the petitioner dishonestly induced Jasvir Kaur to part with a sum of ₹29 lacs, but thereafter the accused has even forged and fabricated the revenue record by setting up a mutation document.

8. Learned State counsel has apprised the Court that Jasvir Kaur has even submitted an affidavit dated 28.4.2016 before the investigating

agency wherein she has specifically denied the entering into of any compromise/settlement with the petitioner. There is a categoric denial even as regards any sale-consideration amount having been returned.

9. Even otherwise, it is the pleaded case of the petitioner/accused himself that a sale-deed No.3223 dated 18.3.2014 had been executed in favour of Jasvir Kaur. It is pleaded that after registration of the sale-deed, petitioner came to know that there was some error in the revenue records and the land as mentioned in the sale-deed had been **“deleted”**.

10. Learned counsel for the petitioner has not been able to elaborate such **“deletion”** of the land in question in the revenue records apart from submitting that certain corrections had been made in the revenue record and the relevant entries were **“scrapped”**.

11. Petitioner contends that a compromise/settlement has been entered into on 6.1.2015. To the contrary, Jasvir Kaur has furnished an affidavit dated 28.4.2016 and submitted to the investigating agency denying the same. On a specific query having been put to the learned counsel for the petitioner, no response has been forthcoming as regards the details i.e. mode, manner and date of return of sale-consideration amount to the complainant.

12. Suffice it to observe that the stand taken on behalf of the petitioner does not inspire confidence.

13. Allegations against the petitioner are specific and categoric. The allegations of forging and fabricating revenue records would require a detailed and thorough probe. As per allegations, even a heavy recovery of money is yet to be effected.

14. It is a case which would require custodial interrogation of the

petitioner.

15. In view of the above, prayer made in the present petition seeking concession of pre-arrest bail is declined.

16. Petition dismissed.

JUNE 01, 2016

SRM

**(TEJINDER SINGH DHINDSA)
JUDGE**

Note: *Whether referred to reporter? (Yes/No)*