

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

CRM-M -17306 of 2016 (O&M)
Date of decision: 05.10.2016

Harbans Singh @ Bhola and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. F.S. Virk, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab.
assisted by ASI Major Singh.

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.40 dated 02.03.2016, registered under Sections 447, 511, 420, 467, 468, 471 and 120-B IPC, at Police Station Civil Lines, District Patiala.

On 19.05.2016, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail to accused-petitioners Harbans Singh @ Bhola and Ravinder Singh @ Doctor in FIR No.40 dated 2.3.2016 under Sections 447, 511,420, 467,468,471,120-B IPC, PS Civil Lines,Patiala.

Allegations of complainant-Surjit are that he had purchased plot no.13 measuring 240 square yards situated

at Partap Nagar, Block C, Patiala vide sale deed no.13666 dated 26.11.2010 and constructed a boundary wall over the plot. Two petitioners-accused alongwith co-accused Harinder and Mukesh Kumar stated to have agreement to sell dated 11.12.2015 qua plot no.13 executed by Smt.Rajni Singla and tried to take possession of the said plot in possession of complainant-Surjit.

It is submitted that the accused party is claiming plot no.13 by tampering with the sale deed dated 8.6.1992 executed in favour of Smt.Rajni Singla by the original owner Daljit Kaur by substituting plot no.8 to plot no.13.

It is contended that from the reading of sale deed dated 8.6.1992(P-1) it is apparent that Smt.Rajni had purchased plot no.13 and not 8 and thus there is no tampering.

Notice of motion for 16.8.2016.

In the event of arrest, the petitioners shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioners shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

The learned counsel for the petitioners states in pursuance of the order dated 19.05.2016, the petitioners have joined the investigation. It is asserted that the petitioners have been falsely implicated in the present case by the police at the instance of the complainant. DSP, Harpal Singh connived with the complainant and conducted an inquiry without verification of the original sale deed from the office of Sub Registrar. In fact, DSP Harpal Singh called the

petitioners in his office and they were asked to leave the plot as the Inspector General of Police has interest in the matter. Learned counsel for the petitioners further submits that the plot in question was sold by Daljit Kaur daughter of Ajaib Singh in favour of Rajni Singla daughter of Mohan Lal as reflected in Annexure P-1. Said Rajni Singla entered into an agreement to sell with the petitioners and had taken Rs.1,70,000/- towards earnest money and the remaining amount was to be paid on 22.05.2016 at the time of execution of the sale deed which is clearly made out from Annexure P-2. Learned counsel further submits that the irregularity or fraud, if any, in the present case is attributable to Raj Rani Malik and Surjit Singh who even tried to take forcible possession of the land in question on 03.03.2016.

The learned State counsel opposes the prayer made by learned counsel for the petitioners.

As per the FIR, the petitioners have laid claim over plot No.13 after tampering with the sale deed dated 08.06.1992 executed in favour of Smt. Rajni Singla by the original owner, Daljit Kaur by substituting plot No.8 to plot No.13 whereas the learned counsel for the petitioners states that the petitioners entered into an agreement to sell (Annexure P-2) with the original owner, Smt. Rajni Singla for a consideration of Rs. 8500/- per sq. feet and an earnest amount of Rs.1,70,000/- was paid to her. The petitioners have joined the

investigation. They are not involved in any other FIR.

In view of the above, the Court is inclined to accept the prayer for grant of anticipatory bail, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 19.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

05.10.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable: Yes No