

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

CRM-M-19595-2016 (O&M)

Date of decision : 27.09.2016

Sufi Mohd. Sadiq and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajinder Kumar Singla, Advocate for the petitioners.

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

Mohd. Yousaf, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioners seek pre-arrest bail in case FIR No.0034 dated 05.05.2016, registered under Sections 295A, 408, 418 and 120-B of the Indian Penal Code and Section 6 of the Place of Worship (Special Provisions Act), 1991, at P.S. City-II, Malerkotla, Distt. Sangrur.

Heard.

On 01.06.2016, the following order was passed:-

“Prayer is for grant of anticipatory bail to accused petitioners Sufi Mohd., and his son Mohd.Abrar in case FIR No.0034 dated 5.5.2016 under Sections 295-A,408,418,120-B IPC, read with Section 6 of the Place of Worship (Special Provisions Act),1991 PS City-II, Malerkotla.

The allegations are that co-accused Abdul Rashid @ Mohd.Rashid fraudulently claimed himself to be the owner in possession of 144 square yards of land

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recorded as Kabristan based on an alleged oral gift agreement in the year 1962 executed in his favour by one Mohd.Ashraf, who has since migrated to Pakistan. Based on the said oral gift deed, co-accused Abdul Rashid is alleged to have executed two gift deeds dated 7.5.2014 in favour of his co-accused son-Ikhlaq Qureshi and petitioner no.2- Mohd.Abrar. Abrar transferring half share each of the aforesaid land. Two shops alongwith some vacant area stands constructed on the land in question.

Petitioner no.1 is father of petitioner no.2 and of 91 years of age. Allegations against petitioner no.1 are that he is a witness to a forged and fabricated Memorandum of Gift dated 15.3.1962 acknowledging the earlier oral gift by Mohd.Ashraf whereas petitioner no.2 is one of the ultimate beneficiaries of the aforesaid fraud.

It is contended that allegations were inquired into by SP Malerkotla and vide report (P-14) dated 14.3.2016 in which the aforesaid allegations were found to be false and petitioners found innocent.

Notice of motion for 29.8.2016.

At this stage, Mr.Mohd.Yousaf, Advocate accepts notice on behalf of the complainant.

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.”

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioners have joined the

investigation and they not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 01.06.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

27.09.2016
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(JITENDRA CHAUHAN)
JUDGE

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