

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24202-2016
DECIDED ON: July 22, 2016

MANGAT RAM

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Chanderhas Yadav, Advocate,
for the petitioner.

JASPAL SINGH, J.

Present petition has been preferred under Section 438 of the Code of Criminal Procedure by Mangat Ram seeking pre-arrest bail in case FIR No. 180, dated 09.06.2015, under Sections 420, 467, 468, 471 and 120-B IPC, Police Station Beri, District Jhajjar.

2. Instant case stands registered on the direction given by this Court in CRM-M-24294-2013, vide which Superintendent of Police, Jhajjar was directed to look into the representation (Annexure P-4) and to register an FIR and initiate the investigation in the matter in accordance with law by taking into consideration all the sale transactions of shamlat land of "Thola Brahmins" of village Dhubaldhan Dhikiyan.

3. *Inter alia*, it has been contended by learned counsel for the petitioner that the petitioner-Mangat Ram is a bonafide purchaser and had

purchased the land on 23.05.2008 after proper scrutiny of the revenue record. There is no other transaction associated with him. In fact, he is being implicated in the instant case due to the political pressure being exercised upon the police by his opponent in collusion with the real culprits, who is a senior citizen being 63 years of age. Moreover, co-accused of the petitioner namely Suman, Ishwar and Fateh Singh have already been granted the concession of pre-arrest bail by Id. Additional Sessions Judge, Jhajjar. Otherwise also, entire case of the prosecution is based upon documentary evidence. As such, there is no question of tempering with the prosecution evidence.

4. This Court has considered the various submissions made by learned counsel for the petitioner referred to above and has scanned the documents available but find the same to be without any legal and factual substance. In fact, the land involved in the various sale transactions is shamlat land of "Thola Brahmins". Ramotar was just a co-sharer in the aforesaid land and without getting his share declared, he sold away the shamlat land of 'Thola Brahmins' of village Dhubbaldhan Dhikiyan to different persons including the petitioner. Moreover, during inquiry conducted by the revenue authorities as well as the Deputy Commissioner, it revealed that Ramotar was not competent to sell the land which belongs to shamlat land of 'Thola Brahmins' as it has not so far been partitioned. The petitioner hails from same village, to which, his vendor belongs. He must have the knowledge with regard to the nature of the property as well as its ownership but despite that fact, the petitioner is stated to have conspired with the vendors and got executed the sale deed(s). The sale transactions are being carried out just to usurp the shamlat land of 'Thola Brahmins' and in such circumstances, the petitioner does not deserve any

leniency.

5. Accordingly the petition is dismissed.

July 22, 2016
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(JASPAL SINGH)
JUDGE