

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

**CRL. MISC. No.M-24879 OF 2016 (O&M)  
DATE OF DECISION : 6<sup>th</sup> OCTOBER, 2016**

**Balbir Singh @ Balvir Singh**

**.... Petitioner**

**Versus**

**State of Punjab**

**.... Respondent**

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI**

\* \* \* \*

Present : Mr. Sarju Puri, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

Mr. M. P. S. Mann, Advocate for the complainant.

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**A. B. CHAUDHARI, J. (ORAL)**

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.34 dated 31.05.2016 registered under Sections 420, 464, 465, 468, 471 & 511 IPC at Police Station Behram, District SBS Nagar.

Heard learned counsel for the rival parties.

After perusing the entire matter and hearing learned counsel for the parties there is no dispute that the petitioner is the main person who indulged in attempting to grab the property of a mentally challenged person who is deaf and dumb also. The facts show that because of the intervention by some people the registered sale deed could not be executed. It is not known whether the Sub-Registrar, even without any intervention would have registered the sale deed or not as it is he, the authority, who can deny the registration. Therefore, it cannot be said with full force that because of the agitation only the sale deed was not executed. After all the official has a duty to refuse to execute the sale

deed in such cases and therefore, the offence alleged against the petitioner would at the most constitute attempt to commit offence of cheating.

Prima facie, there is no doubt in my mind that the petitioner, who claimed that he has nothing to do with the entire incident, is the person who is responsible. The petitioner attempted to commit the cheating which is offence punishable under Section 420 read with Section 511 IPC.

In that view of the matter though the petition for bail has been vehemently opposed by counsel for the complainant, the grant of relief of anticipatory bail to the petitioner cannot be denied in the wake of the nature of the offences as discussed above which are made out. Hence, the interim order 25.07.2016 is made absolute.

Disposed of accordingly.

**6<sup>th</sup> OCTOBER, 2016**  
*'raj'*

**(A. B. CHAUDHARI)**  
**JUDGE**

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No.