

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26524 of 2016
DATE OF DECISION: AUGUST 04, 2016

JASPAL SINGH

.... PETITIONER

VERSUS

STATE OF PUNJAB

.... RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Narinder Singh Dadwal, Advocate
for the petitioner.

JASPAL SINGH, J.

By virtue of this petition preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought pre-arrest bail in case FIR No. 82 dated 22.06.2016 under Sections 420 and 120-B IPC registered at Police Station Dugri, Ludhiana.

Instant case has been registered on the basis of statement of Surinder Kaur-complainant, who has alleged that she purchased a plot measuring 233 Sq. Yards vide registered sale deed bearing vasika No. 2790 dated 04.05.2007 from the petitioner for a consideration of ₹12,00,000/- and

the revenue record was also transferred in her name. At the time of registration of sale deed, it was told by the petitioner in an ambiguous terms that property in question is free from all sorts of encumbrances and on the said assurance the property was purchased by the complainant. Subsequent thereto, it revealed that the sale deed of subject matter property was lying mortgaged with Punjab National Bank, which was subsequently put on auction and was purchased by Jatinder Singh. The afore-said fact was concealed by the petitioner, as a result whereof, the petitioner was duped.

The contention of learned counsel for the petitioner is that he along-with his brother had purchased plot measuring 233 Sq. Yards. Wherein one room was constructed out of khasra No. 1068 Khata No. 350/395, H.B. No. 277 situated in Village Dugri as per jamabandi for the year 1990-1991 from one Gurnam Singh for a consideration of ₹62,500/- vide registered sale deed 20.12.1995. Subsequently, they needed money, the plot in question was sold to Surinder Kaur-complainant for a consideration of ₹3,20,000/- vide registered sale deed dated 04.05.2007. Since, there was no entry in the revenue record with regard to any sort of mortgage with the Punjab National Bank and further the property was without any sort of encumbrances. As per revenue record, petitioner cannot be fastened with any liability. Moreover, civil court is already seized of the matter. Petitioner is ready to join the investigation and also abide by all the terms and conditions as imposed by this Court, in case he is granted the concession of pre-arrest bail.

This Court has given an anxious thought to the submissions

made by learned counsel for the petitioner and have perused the record.

There are serious and specific allegations that sale deed dated 04.05.2007 of the property subject matter was lying mortgaged with Punjab National Bank to secure the loan. However, it appears that the officers of the bank in connivance with the loanee did not get the entry incorporated in the revenue record with regard to the mortgage deed. Subsequently, the land was sold to the complainant. However, when the plot subject matter of above-referred sale deed was purchased by one Jatinder Singh by way of an auction, when the loanee committed default in payment of amount, the matter came to light and the litigation started. *Prima facie* it is established that complainant was kept in dark at the time of sale of plot in question by the petitioner. Thus, in such circumstances, this Court is of the considered view that custodial interrogation of the petitioner is required to unearth all the ramifications involved in this case.

In the light of what has been discussed above, this Court does not find any merit in the instant petition. As such, the same is dismissed.

August 04, 2016

sham

(JASPAL SINGH)
JUDGE

Whether	Speaking/Reasoned	Yes/No
Whether	Reportable:	Yes/No