

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

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CRM-M-3094-2016

Date of Decision: February 4, 2016

AJAY KUMAR AND ANR

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Aman Pal, Advocate for the petitioners.
Mr.Gurdas Singh Salwara, DAG, Haryana.
Mr.D.K.Tuteja, Advocate for the complainant.

M.M.S.BEDI, J.(Oral)

Petitioners seek concession of regular bail in a case registered at the instance of Deewakar Arya, claiming himself to be General Secretary/Trustee of Vaish Aggarwal Sabha, Meham.

As per the allegations the said Trust was created by Shri Ram in the year 1936. A Dharamshala was constructed along with six shops by the Trust. A Trust deed was registered on 25.2.1936 and property was maintained by different trustees. The allegation against the petitioners is that two sale deed dated 18.3.2014 were executed in their favour by one Krishna who claimed herself to be the descendant of Shri Ram.

Counsel for the petitioners has contended that as per the Municipal Corporation record of Meham, the property is not shown to be in the name of any Trust as per the House Tax record or in any other record of title.

Counsel for the complainant, who has intervened to oppose the application for bail, vehemently urged that application for pre-arrest bail had been dismissed on 15.10.2015.

State counsel submits that investigation is still in progress whether there is any title deed in the name of the Trust.

I have heard counsel for the petitioners, counsel for the complainant and the State counsel. I have gone through the police file which shows that no evidence till date has been collected regarding the property having been recorded in the Municipal Corporation, Meham record as a Trust property on the basis of Trust deed dated 25.2.1936. The petitioners have acquired title by a registered document which is considered to be a notice to all the members of general public.

Counsel for the petitioners has informed that the possession of the property has not yet been handed over to the petitioners. The rights created by the Trustee viz-a-viz legal rights of the vendor and the title of the property on the basis of a registered sale deed, can be determined only by civil litigation.

Since the petitioners have not acquired possession and their title has been disputed, the petitioners being in custody w.e.f. 10.12.2015, the petitioners can be granted the concession of bail.

The petition is allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate, Rohtak.

Nothing said in this order will prejudice the rights of the complainant or the trustees to challenge the registered document executed in favour of the petitioners which is claimed to be a contract for consideration.

February 4, 2016
TSG

(M.M.S.BEDI)
JUDGE