

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

CRM-M -3104 of 2016 (O&M)
Date of decision: 30.08.2016

Satnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

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

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.56, dated 16.09.2015, registered under Sections 420, 467, 468 IPC, at Police Station Sarai Amanat Khan, District Amritsar.

On 04.04.2016, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail in case FIR No.56 dated 16.9.2015 under Sections 420/467/468 IPC, PS Sarai Amanat Khan, Distt.Amritsar.

Dispute is regarding land measuring 10K16M comprised in khewat no.41,khatoni no.107,khasra no.97//23 in the area of Village Dhand,Sub Teshil Chabbal and Distt.Tarn Taran. The said

land was concededly in the ownership of Dalip Singh son of Labh Singh who had mortgaged this land orally in the year 1935 (subsequently vide written mortgage in the year 1943) in favour of Jagdev Singh son of Achhar Singh-father of complainant-Gurbir Singh. The said land was sold by the owner to one Atma Singh, who through his power of attorney Iqbal Singh son of Jagdev Singh further sold the said land on 1.5.1984 to petitioner-Satnam Singh and his brother Bakhshish Singh. At the time of sale, land was also got redeemed in favour of vendee brothers on 1.6.1984 by said Iqbal Singh. As a consequence, mutation no.3512 for sale and 3513 for redemption of mortgage was sanctioned in favour of vendee brothers. The said entries were made by the then Area Patwari.

Allegations against the petitioner are that he in connivance with others had fraudulently got mutation regarding redemption of land in their favour as mortgagee Jagdev Singh had already died on 16.3.1981.

It is contended that GPA holder Iqbal Singh of the conceded owner Atma Singh is none else than one of the sons of said Jagdev Singh and thus brother of the complainant. It is for the said Iqbal Singh and the then Area Patwari to explain regarding redemption of the land for preparing entry in the Fard Sarkari maintained in the office of Deputy Commissioner.

Learned State counsel on instructions from ASI Bhupinder Singh submits that petitioner and said Iqbal Singh and the then Area Patwari are yet to join investigation.

Adjourned to 2.6.2016.

Petitioner is directed to join investigation as and when required.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioner shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

The learned State counsel, on instructions, submits that in pursuance of the order dated 04.04.2016, the petitioner has joined the investigation and he is not required for custodial interrogation. She further states that the cancellation report in the matter has already been filed.

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 04.04.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

30.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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