

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

**Criminal Misc.No.M-38218 of 2016 (O&M)
Date of Decision : 03rd November, 2016**

Mohammad Salim and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sunny K.Singla, Advocate
for the petitioners.

Mr. B.S.Thind, AAG, Punjab
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail in case FIR No.70 dated 30.09.2016, registered at Police Station City II, Malerkotla, District Sangrur, under Sections 406, 120-B IPC.

As per the allegations, the co-accused had transferred by way of 99 years lease land to the petitioners @ Rs.6,50,000/- per bigha in the year 2013. However, they were only muafidar of that land and could not have sold the same and the petitioners purchased this land knowing this fact.

Learned counsel for the petitioners has argued that actually the land was in possession of those co-accused for the last 125 years from generation to generation and they had earlier been leasing it out and the petitioners bonafide believed that they had the right to lease the land to the petitioners.

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Learned State counsel has argued that the petitioners well knew that 99 years lease is akin to sale. However he has accepted that the issue is to be decided on the basis of documents on record i.e. original sanad in favour of the co-accused and the document executed by them in favour of the petitioners.

In this view of the matter, in my considered opinion, custodial interrogation of the petitioners would not be required.

Let the petitioners be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioners shall appear before the Arresting/Investigating on 11.11.2016 and as and when called upon the investigation and shall also be bound by all the conditions stipulated in Section 438 (2) Cr.P.C.

The instant stands allowed accordingly.

(AJAY TEWARI)
JUDGE

03rd November, 2016

mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No