

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: February 5, 2016

1. CRM M-37798 of 2015

Jatinder Kumar Prashar

.....Petitioner

Vs.

State of Punjab

.....Respondent

2. CRM M-41994 of 2015

Karamjit Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr.G.S. Jagpal, Advocate
for the petitioners.

Ms. H.K. Athwal, DAG, Punjab.

Mr.Atul Goyal, Advocate.

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

This order will dispose of two petitions bearing CRM M-37798
and CRM M-41994 of 2015 for grant of pre-arrest bail. The FIR was
registered at the instance of Kamlesh Sharma, wife of Ramesh Sharma

alleging that an agreement of sale dated July 26, 2010 purported to have been executed by Ramesh Sharma, was forged. Petitioner Jatinder Kumar Parashar is an attesting witness of the agreement of sale in favour of Sarabjit Singh. So far as petitioner Karamjit Kaur is concerned, she is alleged to be a proposed vendee alongwith Sarabjit Singh.

Husband of the complainant Ramesh Sharma died before the proposed date of execution of sale deed.

Counsel for the petitioners submits that the complainant had compromised the matter with petitioner Karamjit Kaur, proposed vendee and executed a second agreement of sale but subsequently has sold the property to third party i.e. Satinder Singh. Counsel for the petitioners has also submitted that an FIR stands registered against the complainant for having sold the property to third person. When the challan was presented against the complainant, she has now lodged the present FIR claiming that her husband had not executed any agreement of sale.

Counsel for the complainant has intervened to oppose the petitions for pre-arrest bail contending that both the agreements of sale propounded by the petitioners are attested by petitioner Jatinder Kumar Prashar and have been fabricated. Reliance has been placed on the report of hand-writing expert to the effect that complainant had not affixed her signatures on the second agreement of sale.

I have heard learned counsel for the petitioners, counsel for the complainant as well as State counsel and gone through the record. It is an

admitted fact that a criminal case stands registered against the complainant for playing fraud with the proposed vendees on the basis of an agreement of sale. A civil suit is also pending for specific performance of the agreement of sale dated July 26, 2010 and December 28, 2010. The authenticity and validity of the agreements of sale are subject matter of the civil suit. Since the complainant has already sold the property and pocketed the sale consideration from Satinder Singh and the matter is pending before the Civil Court; petitioners having joined investigation, it does not appear to be a case of custodial interrogation.

Petitions are allowed and it is ordered that in case of arrest of the petitioners they will be released on bail to the satisfaction of the arresting officer subject to the conditions that the petitioners will join investigation and will make available all the documents as and when required by the police and they will not tamper with the evidence or hamper the investigation in any manner. Nothing said in this order will prejudice the rights of the parties in civil and criminal proceedings.

February 5, 2016
sanjay

(M.M.S.BEDI)
JUDGE