

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

**(204)**

**CRM-M-5710-2016**

**Decided on: May 25, 2016.**

**Rakesh Kumar**

**.... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**(2)**

**CRM-M-4666-2016**

**Decided on: May 25, 2016.**

**Jasmer Singh**

**.... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

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

Present: Mr. Satbir Rathore, Advocate,  
for the petitioner in both the petitions.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Chander Kant Rana, Advocate,  
for the complainant.

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

This order will dispose of two applications for grant of pre-arrest bail, one (CRM-M-5710-2016) filed by Rakesh Kumar and the another (CRM-M-4666-2016) filed by Jasmer Singh.

The FIR was registered at the instance of Ashok Kumar alleging that one Phool Singh had entered into an agreement of sale with the complainant on 20.01.2014. A sum of Rs.4,66,200/- had been received by

Phool Singh from the complainant in the presence of the marginal witnesses. After paying the consideration amount, when the complainant had gone to the site to take possession, petitioner Rakesh Kumar had allegedly restrained the complainant from taking possession. The allegation against petitioner Rakesh Kumar is that he had illegally encroached upon the property and that co-accused of the petitioner namely Phool Singh had created third party rights by fabricating documents. The allegation against petitioner Jasmer Singh is that the same property had been sold to Jasmer Singh.

Learned counsel for the petitioners has submitted that petitioners Rakesh Kumar and Jasmer Singh do not claim any title, right or interest in the property which has been agreed to be sold to the complainant. It has been submitted that petitioner Jasmer Singh has not entered into any agreement of sale nor he has paid any sale consideration for purchase of the plot which is subject matter of the dispute between the complainant and petitioner Rakesh Kumar or Phool Singh.

Learned counsel for the complainant has intervened to oppose applications for pre-arrest bail contending that the complainant is being deprived of the possession of the property regarding which he had entered into an agreement of sale with Phool Singh.

Learned counsel for the petitioner has stated on behalf of petitioner Rakesh Kumar that he also does not have any interest in the property which has been allegedly sought to be purchased by complainant Ashok Kumar.

On asking of the Court, learned counsel for the complainant has informed that Ashok Kumar complainant has filed a suit for permanent injunction restraining the petitioners and others from interfering in the possession of Ashok Kumar in the property measuring 14 X 22 feet. An interim injunction order has been obtained by Ashok Kumar in his favour on 05.02.2016.

I have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant.

On the instructions of ASI Kewal Singh, it has been informed that the petitioners have joined the investigation.

The apprehension of the complainant seems to be misconceived as petitioner Jasmer Singh is not claiming any right, title or interest in the property on the basis of any document. He has no interest in the property which is alleged to have been purchased by the complainant from Phool Singh.

After going through the police record, it appears that the complainant claims the right in a plot owned by Phool Singh on the basis of an agreement of sale. The complainant has also sought civil remedy by filing a suit against Phool Singh and the petitioners besides others. It does not appear to be a case where the legal rights claimed by complainant Ashok Kumar could not be enforced against the petitioners. Petitioner Jasmer Singh appears to be a witness in the agreement of sale executed by Phool Singh in favour of the complainant. He has exhibited no interest in the right, title or interest in the property.

The petitioners have joined the investigation.

Both the petitions are allowed. 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 they will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner and will also not commit any act towards the complainant which could result in breach of peace.

**(M.M.S. BEDI)**  
**JUDGE**

**May 25, 2016**  
*harsha*