

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

(204)

CRM-M-7569-2016

Decided on: May 12, 2016.

Harinder Pal Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Anurag Arora, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Sunil Chadha, Senior Advocate, with
Mr. Navjot Singh, Advocate, for the complainant.

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

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Gurdeep Kaur alleging that she is absolute owner of the property on the basis of sale deed dated 02.05.2007 executed by the petitioner through her husband Charanjit Singh Bajaj as general power of attorney holder in favour of the complainant. The said property had been mortgaged by the petitioner on 22.05.2008 with Allahabad Bank.

It is not disputed that the property was earlier mortgaged with PFC. Learned counsel for the petitioner has contended that while granting general power of attorney to the husband of the complainant, there was an understanding between the parties that the complainant will get the property redeemed from the PFC and only then he could execute the sale deed. The husband of complainant did not redeem the property and in a clandestine

manner executed the sale deed in favour of his wife, by misusing the GPA given by the petitioner.

Learned counsel for the complainant has intervened to oppose application for pre-arrest bail contending that serious prejudice has been caused to the right, title and interest of the complainant in the property.

It is not out of place to observe here that the complainant has also filed a private complaint pertaining to the same matter in which the petitioner has been summoned vide order dated 01.05.2015 by the Judicial Magistrate Ist Class, Ludhiana.

Learned counsel for the complainant has vehemently contended that no doubt, the petitioner has joined the investigation but during course of investigation he has evaded specific questions put to him and he has shown ignorance about one Anil Kumar proprietor of M/s RTS International Company as such his custodial interrogation will be required for fair investigation of the matter.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the police file.

The petitioner appears to be the original owner of the property which has been transferred to complainant Gurdeep Kaur through a general power of attorney holder i.e her husband, on behalf of the petitioner. The property purchased by the complainant appears to have been alienated to cause prejudice to the right of the complainant regarding which she has already filed a complaint.

The liability of the petitioner, which is combination of civil and criminal liability is yet to be adjudicated upon. The present case does not

require custodial interrogation especially when in the same circumstances in a private complaint, the petitioner has been granted concession of pre-arrest bail.

The petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the condition that he will join investigation as and when required and will not make any attempt to tamper with the evidence.

(M.M.S. BEDI)
JUDGE

May 12, 2016
harsha