

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

1. CRM No. M- 12081 of 2017 (O&M)      Date of Decision: 19.04.2017

Bakshish Singh

--Petitioner

Versus

State of Punjab

--Respondent

2. CRM No. M- 12149 of 2017 (O&M)

Kuldeep Singh

--Petitioner

Versus

State of Punjab

--Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:-     Mr. Naveen Batra & Mr. Narinder S. Lucky  
                     Advocates for the petitioners.

Ms. Harpreet K. Athwal, DAG, Punjab.

\*\*\*

**TEJINDER SINGH DHINDSA.J**

This order shall dispose of CRM No. M-12081 of 2017 (Bakshish Singh Vs. State of Punjab) and CRM No. M-12149 of 2017 (Kuldeep Singh Vs. State of Punjab) as both these petitions have been filed under Section 438 Cr.P.C seeking the concession of pre-arrest bail to the petitioners in case F.I.R. No.26 dated 27.2.2017 under sections 419, 420, 465, 467, 468, 471, 120-B I.P.C and section 82 of Registration Act, 1908, registered at Police Station, City, District Hoshiarpur.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Akalpreet Singh.

Complainant asserted that he had purchased property admeasuring 10 marlas vide sale deed dated 31.1.2000 from one Gurmeet Kaur widow of Gulzara Singh. Complainant is stated to have raised even a boundary wall around such property and even deposited the requisite fee with the Municipal Council, Hoshiarpur as also property tax.

Allegations are that on 5.2.2017 accused nos.2 and 3 namely Gauri Shankar Bhagat and Vikas Kumar attempted to take forcible possession of the plot and upon the afore-noticed two accused being confronted, complainant was told that they had purchased the plot in question. On making inquiries complainant became aware that a sale deed had been executed on 4.11.2016 as regards the same very 10 marla property and by way of impersonating him.

In so far as the present petitioners are concerned, Kuldeep Singh is stated to be an attesting witness to the sale deed and Bakshish Singh is stated to have affixed his signatures as a Lambardar.

The solitary submission raised by counsel appearing for the petitioners herein is that the beneficiaries of the sale deed dated 4.11.2016 are Gauri Shankar Bhagat and Vikas Kumar and not the petitioners. Further contended that the person, who had impersonated for real owner had been a resident of the same village for a number of years and as such the petitioners had in a bonafide manner identified him to be Akalpreet Singh son of Mahender Singh i.e. the true owner. Yet another submission raised is that the complainant on account of registration of the sale deed dated 4.11.2016 has already instituted a civil suit seeking a declaration and praying for cancellation of the same.

Having heard counsel for the parties at length, this Court is not inclined to extend in favour of the petitioners the concession of pre-arrest bail.

Learned State counsel, who is on instructions from SI Naresh Kumar would submit that during the course of investigation it has been revealed that the complainant is in fact the true owner of the 10 marla plot

in question. A sale deed has been registered on 4.11.2016 by an unknown person impersonating for the real owner.

As of date the unknown impersonator as also Gauri Shankar Bhagat and Vikas Kumar in whose favour the sale deed was registered on 4.11.2016 are on the run.

The stand taken on behalf of the petitioners as regards not being beneficiaries of the transaction does not inspire confidence. Learned State counsel takes a stand that Kuldeep Singh is in fact a property dealer. Bakshish Singh was the Lambardar of the village. The inference that can be drawn is that the petitioners herein have acted in connivance and collusion with the impersonator as also with the so called beneficiaries of the transaction namely Gauri Shankar Bhagat and Vikas Kumar and thereby have cheated and played a fraud on the real owner i.e. Akalpreet Singh.

Even if the real owner has resorted to availing of a civil remedy against a sale deed that has been executed fraudulently, the petitioners cannot be permitted to gain mileage therefrom.

The allegations are serious in nature.

Co-accused are still absconding.

It is a case which may well warrant custodial interrogation of the petitioners herein.

Accordingly, both the petitions are dismissed.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**19.04.2017**  
lucky

Whether speaking/reasoned: Yes  
Whether Reportable: Yes