

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM No.M-1312 of 2017
Date of decision: 13.02.2017

Subash Chander

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Raman Chawla, Advocate for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

HARINDER SINGH SIDHU, J. (ORAL)

The present petition has been filed for grant of regular bail to the petitioner in FIR No.51 dated 21.03.2016 under Sections 420 and 120-B IPC, registered at Police Station Adampur, District Hissar.

The allegations in the complaint made by Kamla D/o Shoe Narain and wife of Vijender are that Lakhi Ram, uncle of the complainant was unmarried. The complainant along with her children have been staying with Lakhi Ram and Lakhi Ram treated her as his daughter. Lakhi Ram was owner of the land of 1/4th share in Khewat No.278 Unit 28 measuring 161 Kanal 08 Marlas Khata Mushtarqa as per the Jamabandi for the year 2001-02. Lakhi Ram decided to give the aforesaid land to the complainant. Lakhi Ram called petitioner (accused No.2) as he was literate, and his wife on 18.05.2005 and wanted to get his share of the land measuring 40 Kanal 07 marlas transferred in the name of the complainant. Though, on the relinquishment deed, the photograph is of the complainant and her thumb impression were affixed but in the deed, name of Salochana wife of the petitioner was mentioned instead of Kamla (complainant). After this, the

mutation of the land was entered in the name of Salochana. The complainant did not get to know about this as the petitioner had been cultivating the land. It was only in the month of April, 2015 that the accused along with other persons attempted to take possession of the land. Thereafter, on inquiry, complainant came to know that the land has been transferred in the name of the wife of the petitioner.

Learned counsel for the petitioner states that though the land has been transferred in the name of the wife of the petitioner in terms of the relinquishment deed, however, the petitioner is neither a witness in the relinquishment deed nor has he any role in the mutation. Moreover, the deed is of the year 2005 and the complaint was lodged in the year 2015 after 10 years. He further states that the petitioner is in custody since 19.12.2016.

The case is based on documentary evidence. The complainant has filed a Civil Suit for declaration that she is owner in possession of the land subject matter of the relinquishment deed. However, no stay has been granted in her favour.

Considering the facts and that as the matter is based on documentary evidence and the complaint was lodged after 10 years of the relinquishment deed, the present petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Hissar.

(HARINDER SINGH SIDHU)
JUDGE

13.02.2017
Dinesh Bansal

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No