

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

CRM-M-13581 of 2017 (O&M)

Date of decision: 08.05.2017

Bhola Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S. Mann, Advocate for the petitioner(s).

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No. 01 dated 04.01.2017, registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC, at Police Station Bhikhi, District Mansa.

It is contended that the petitioners are not the beneficiaries of the alleged transaction. The dispute is purely of civil nature. The petitioners are ready to join the investigation.

Heard.

It has come on record that the land in question was owned by the ancestors of Kartar Singh, Mohna Singh, Kirpal Singh and Gurdial Singh. As per record, three brothers, namely Kartar Singh, Mohna Singh and Kirpal Singh transferred their share in favour of Gurdial Singh who allegedly executed sale deed and the land was sold to the petitioner and co-accused. The case of the prosecution is that the said persons left for

abroad and thereafter have never visited this country. In fact, the petitioner in connivance with co-accused put up certain imposter(s) to grab the land in question which as per record is under their cultivation since more than 60 years. Even, there is nothing on record whether the LRs of Ralha Singh, the original owner of the land are alive or not. It is the petitioner alone who can explain and reveal the identity of imposters. There is no evidence on record with regard to payment made as the whole amount was stated to be paid in cash. In view of the peculiar facts & circumstances of the case, this Court feels that it is a fit case where custodial interrogation of the petitioner is required to know his modus operandi. Keeping in view the above, no case for pre-arrest bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

08.05.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No