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

**CRM-M No.16271 of 2017
Date of Decision: 18.05.2017**

RAMSHARAN & OTHERS

.....Petitioners

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioners.

Mr. P.P. Chahar, DAG, Haryana.

Mr. Arun Luthra, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Prayer in this petition is for grant of anticipatory bail in case bearing FIR No.121 dated 17.11.2016 registered under Section 420 IPC at Police Station Dhand, District Kaithal.

FIR was registered at the instance of Balwinder Singh. The entire prosecution story is revolving around petitioner No.2 Manjit Kaur. In the year 2009, a criminal complaint was filed by the father of petitioner No.2 against Rishipal @ Kala and his brother Subhash. The said complaint was decided on 27.08.2014. Father of petitioner No.2 had no son. He had only

three daughters namely Gurmeet Kaur, Manjit Kaur (petitioner No.2) and Rajbir Kaur. There was dispute amongst three daughters over the land. Father of petitioner No.2 filed a civil suit and obtained injunction against petitioner No.2 and Gurmeet Kaur on 04.11.2015 in respect of alienation of the land. Thereafter, petitioner No.2 entered into an agreement to sell dated 04.01.2016 in respect of 27 kanals, 13 marlas of land with Balraj, Banwari and Krishan. When the prospective vendees started pressing hard for execution of sale deed, then Rishipal @ Kala who was in the knowledge of problem being faced by petitioner No.2 came forward and assured to get the stay vacated. He contacted petitioner No.2 on 02.02.2016 and promised that he would satisfy the father of petitioner No.2 to withdraw the suit itself, provided the amount of Rs.2 lacs is paid to him as compensation on account of his implication in a case filed by father of petitioner No.2. Rishipal @ Kala allegedly obtained thumb impression of petitioner No.2 and thereafter, allegedly forged an agreement to sell, in which an amount of Rs.25 lacs was shown to be received by petitioner No.2 as earnest money. The allegations are that thereafter, Rishipal @ Kala started blackmailing petitioner No.2. Rishipal @ Kala also planted the complainant, who promised petitioner No.2 to sort out the issue with Rishipal @ Kala as he claimed himself to be friend of Rishipal @ Kala. He promised to bring back the

agreement to sell dated 02.02.2016. Under that pretext, he got a compromise struck and got thumb impressions of petitioner No.2 in Tehsil Office. Thereafter, agreement to sell dated 08.03.2016 came to be in existence with a recital of Rs.25 lacs towards earnest money.

Learned counsel for the complainant stated that at the time of drafting of sale deed on the basis of agreement to sell dated 08.03.2016, an additional amount was paid to petitioner No.2, thereby making total amount to be Rs.82,86,250/-

Learned counsel for the petitioners submitted that a civil suit has already been filed by Balraj, Banwari and Kishan for specific performance on the basis of agreement to sell dated 04.01.2016. Rishipal @ Kala has also filed a civil suit for specific performance in which Balwinder Singh has already been impleaded as party defendant vide order dated 02.09.2016.

In the light of aforesaid facts, I am of the view that the entire litigation has civil profile for which two civil suits are pending consideration before the competent Court. Complainant Balwinder Singh has already been impleaded as party defendant in the suit filed by Rishipal @ Kala. Petitioner No.1 is an attesting witness in all the three agreements to sell. Petitioner No.3 is one of the attesting witness in agreement to sell dated 04.01.2016. The complicity of the petitioners would be

seen by the Court with reference to material on record.

In view of above, I deem it appropriate to direct the petitioners to appear before the Investigating Officer on 22.05.2017 and in the event of their appearance, they shall be granted bail to the satisfaction of the Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

May 18, 2017.

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No