

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

**Crl. Misc. No. M-17970 of 2017
Date of Decision : October 10, 2017**

Paramjit Singh and others Petitioners

Versus

State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Sahil Puri, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Rakesh Kumar, Advocate
for the complainant.

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LISA GILL, J. (Oral)

The petitioners seek the concession of anticipatory bail in FIR No.116 dated 25.04.2017 under Sections 323, 354, 447, 452, 506 IPC registered at Police Station City Kapurthala, District Kapurthala.

As per the allegations in the FIR the complainant agreed to sell her house to petitioner No.1-Paramjit Singh for a sum of ₹25 lakhs. A sum of ₹50,000/- was paid to the complainant as earnest money. The entire transaction, it is submitted, was verbal. No written agreement was drawn up. Remaining balance was to be paid within one month i.e. by 01.11.2016. The balance payment was not made despite repeated requests by the complainant. It is further stated in the FIR that when the complainant was

all alone in her house on 20.04.2017 all the accused persons forcibly entered her house. They physically assaulted her and used abusive language. Specific allegations attracting the rigours of Section 354 IPC have been levelled against petitioner No.1. It is further stated that the petitioners forcibly took over the possession of her house. The complainant was rescued on her raising hue and cry by Sukhwinder Kaur wife of Mahinder Singh and Goldy Bachni. Her husband, in the meantime, returned and admitted her at Civil Hospital. Above said FIR was registered on the basis of this statement

At the time of issuance of notice of motion, contentions on behalf of the petitioners were noted as under:-

“Counsel for the petitioners inter alia contends that from reading of the FIR, it is apparent that there is dispute between the parties with regard to an agreement of sale qua house owned by Rajwant Kaur – complainant. It is further submitted that in the occurrence, one of the petitioners namely Kulvir Kaur also sustained injuries and her medico legal report is Annexure P3. It is further submitted that the allegations qua offence under Section 354 IPC are against Pramjit Singh – petitioner No.1. Custodial interrogation of the petitioner is not required and they are ready to join investigation and co-operate throughout.”

Interim relief was granted to petitioners No. 2 to 6 and not to petitioner No.1.

It is submitted that petitioners No. 2 to 6 have since joined investigation pursuant to interim order dated 19.05.2017 passed by this

Court. They are ready and willing to face the proceedings and they will not misuse the concession of anticipatory bail, if confirmed.

In respect to petitioner No.1, it is stated that the transaction in question is purely civil in nature. No recovery is to be effected from him. Therefore, the concession of anticipatory bail be afforded to him as well.

Learned counsel for the petitioner, on a pointed query, informs that the possession of the house in question is with petitioner No.1 pursuant to an oral agreement of sale of the said house with the complainant for a sum of ₹19,70,000/-. A sum of ₹ 2,10,000/- in various instalments was handed over to the complainant though there is admittedly no documentary proof of the same. Pursuant to the said amount of ₹ 2,10,000/- being given to the complainant, possession of the property in question was in fact handed over by the complainant herself. No such incident as mentioned ever occurred. It is in fact the complainant who was the aggressor and she tried to re-possess the property in question. It is to be noted that there is no documentary proof whatsoever of handing over of the possession of the property in question by the complainant herself on receipt of the said amount of ₹2,10,000/-.

Learned counsel for the State, on instructions from ASI Balwinder Singh, Police Station City Kapurthala, verifies that petitioners No. 2 to 6 have indeed joined investigation pursuant to interim orders passed by this Court. It is submitted that it appears strange and opposed to all probability that possession of property worth ₹20-25 lakhs was handed over for a mere sum of ₹2,10,000/- and that too without any documentary proof. However, in respect to petitioners No. 2 to 6 it is verified that their custodial interrogation is not required. No recovery is to be effected from

them. They are not reported to be involved in any other criminal case. There is no allegation that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

Accordingly, without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition qua petitioners No. 2 to 6. Consequently, order dated 19.05.2017 qua petitioners No. 2 to 6 is made absolute.

In view of the facts and circumstances of the case and the allegations in the FIR, no ground is made out for the grant of anticipatory bail to petitioner No.1. The petition is accordingly dismissed qua petitioner No.1.

10.10.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No