

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

CRM-M-18868 of 2017

Date of Decision: 02 June, 2017

Phoolpati and others

...Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Shilak Ram Hooda, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Anil K. Bhardwaj, Advocate
for the complainant.

FATEH DEEP SINGH, J.

The allegations against the petitioners in this anticipatory bail application under Section 438 Cr.P.C are that one Jug Lal owned six plots of land and had died intestate, as a consequence of which, his heirs Jeet Singh, Bhup Singh, Surajbhan, Phoolpati, Indrawati and Phool Kaur inherited his estate in the light of Hindu Succession Act and it is alleged that Phool Kaur and Surajbhan had died issueless and that at this juncture Phoolpati also died.

The allegations against the petitioner are that they have tried to sell these six plots which was thwarted by complainant Seema daughter of Jeet Singh, grand daughter of Juglal.

The contentions of the learned counsel for the petitioner that it is a joint undivided property of the parties, who are heirs of Gurlal and that nothing is to be recovered from the petitioners and the partition has yet not been taken place and law does not bars the petitioners

from selling of their shares in the property in question.

On the behalf of the State assisted by learned counsel for the complainant bail application is stoutly opposed on the grounds that the petitioners have sought to mislead the registration authority and tried to get the sale deed registered and, therefore, are not entitled to any relief.

Appreciating the submissions even if the allegations of the prosecution are taken on the face of it shows an attempt to sell the property and admittedly the mutation of inheritance are yet to be effected and that nothing can stop the co-sharers from selling their respective shares and nothing at this stage could be impressed upon by the learned State counsel and that nothing is to be recovered from the petitioners and that it is purely a family dispute over family property and the Courts need to be on its guard cautious to ward off any act as an arm twisting and that joining investigations by the petitioners would suffice the purpose, thus, the present petition stands allowed. In the event of arrest of the petitioners, they be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that they will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

June 02, 2017

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**(FATEH DEEP SINGH)
JUDGE**

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No