

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

**CRM-M No.31670 of 2016
Date of Decision: 28.03.2017**

Birbal SinghPetitioner

Versus

State of Punjab ... Respondent

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

Present:Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl, AG, Punjab.

Mr. A.K. Walia, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Petition has filed this petition under Section 438 of Cr.P.C for grant of anticipatory bail in case bearing FIR No.28 dated 23.02.2016 registered under Sections 420, 120-B IPC at Police Station Sadar Sangrur, District Sangrur.

[2]. While passing order dated 08.09.2016, this Court granted interim bail to the petitioner by noticing that Amarjit Singh became owner of the land in dispute in open auction and thereafter, the complainant had purchased the same from him. Petitioner had neither sold the land to the complainant, nor received the amount as alleged.

[3]. On 15.02.2017, learned State counsel on instructions from Investigating Officer stated that though the petitioner has

joined the investigation, but he has not cooperated in the investigation. Petitioner was again directed to appear before the Investigating Officer on 21.02.2017 and cooperate in the investigation. Interim order was made to continue.

[4]. Learned counsel for the petitioner contended that petitioner and the complainant are relatives and they jointly purchased the land. Petitioner contributed Rs.22 lacs and was owner of 1/3rd share in the land. Complainant entered into an agreement with the petitioner on 09.07.2013. Complainant Ajaib Singh alleged that the petitioner along with others has played fraud with him in respect of Rs.60 lacs and sold the land by showing false documents of some other land and the deal was settled with the help of the petitioner. The legal owner of the land was Gurmat Singh and Amarjit Singh had purchased the land in auction through the Court. Physical possession of the land remained with Gurmat Singh. Complainant alleged that when he wanted to cultivate the land, the same was found to be in possession of Gurmat Singh who had already mortgaged the same to one Bihara Singh. In this way, the complicity of Birbal Singh (petitioner), Gurmat Singh and Amarjit Singh was alleged by the complainant in the context of playing fraud with him in a sum of Rs.60 lacs with an intention to grab his money and property.

[5]. In a civil suit filed by Gurmat Singh, Ajaib Singh filed reply to the application under Section 47 read with Section 151 CPC. Ajaib Singh asserted that he had purchased the property and is a rightful owner of the property on the basis of sale deed as lawful vendee. Petitioner was also involved in subsequent agreements to compensate the complainant. Amarjit Singh has already been declared innocent and he has alleged the complicity of the petitioner in keeping Rs.40 lacs.

[6]. In view of allegations and counter allegations, it appears that the case is having some civil profile to which even civil remedy was resorted to by Gurmat Singh. At this juncture, without commenting upon prospects of civil litigation, I deem it appropriate to make the order dated 08.09.2016 to be absolute. Ordered accordingly.

28.03.2017

prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No