

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

CRM-M-7968-2017

Date of decision :13.10.2017

Paramvir Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. G.B.S. Dhillon, Advocate
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

Mr. Kuldip Singh Chaudhary, Advocate
for the complainant.

H.S. MADAAN, J. (Oral)

This application for pre-arrest bail has been filed by the petitioners Paramvir Singh and Tejvir Singh both of them, being accused in FIR No.22 dated 01.02.2017 for offences under Sections 406, 420 and 120-B registered at Police Station Kharar, District SAS Nagar, Mohali.

Briefly stated facts of the case are that complainant – Jarnail Singh son of Sh. Ram Rattan resident of Landran Teshil and District SAS Nagar, Mohali had submitted written complaint dated 22.12.2015 to S.S.P. Mohali that Jagtar Singh – property dealer had shown him a plot at village Sahora District SAS Nagar, Mohali representing that same falls within red line of the village and it was free from any litigation or incumbrances. The plot abuts 22' wide road and Paramvir Singh had purchased that plot in the name of his son Atamjit Singh. Having trust in Jagtar Singh and after going

through the papers shown to him by Paramvir Singh, the complainant entered into an agreement to purchase plot. With the intervention of Jagtar Singh property dealer, deal with struck for a sum of ₹26 lacs though the consideration amount mentioned for the plot was ₹13.17 lacs. The sale deed was accordingly executed in favour of the complainant, a site plan was attached therewith, possession was also delivered to the complainant. However later on the complainant came to know that a fraud had been played with him, when in compliance with order of Hon'ble High Court, boundary wall constructed on the plot was demolished. The complainant came to know that the plot was mentioned in Khasra No.75 whereas it was wrongly represented to be within red line of the village to the complainant. In that way a fraud was played upon him since the litigation was pending in the Court since 1997.

Apprehending their arrest in the case, the petitioners have approached this Court for grant of pre-arrest bail, notice of which was given to the State, complainant has also put in appearance through counsel.

I have heard learned counsel for the parties, besides going through the record.

The dispute between the parties appear to be more of civil nature. According to the complainant himself, he had seen the relevant documents before entering into an agreement with the sellers and after execution of sale deed possession was also delivered to him. As per law a purchaser is required to be vigilant while purchasing any immovable property. He is expected to carry out all sort of inquiries regarding the title being clear. As per allegations in the FIR, it was property dealer Jagtar Singh, who had represented that the plot was free from litigation and was

without any incumbrances and fell within red line of the village. The petitioners are not shown to have made any such representation. The FIR is shown to have been registered after 5 years of execution of sale deed which was on 02.06.2011 whereas FIR was registered on 01.02.2017. The petitioners have since joined the investigation in terms of interim bail granted to them by this Court. The custodial interrogation of the petitioners is not found to be necessary.

Considering all the facts and circumstances the interim bail granted to the petitioners vide order 09.03.2017 is made absolute subject to fulfilment of conditions envisaged under Section 438(2) Cr.P.C.

13.10.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**