

CRM-M No. 9294 of 2017  
CRM-M No. 11282 of 2017

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

CRM-M No. 9294 of 2017  
Date of Decision: 05.04.2017

MOHAN SINGH

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CRM-M No. 11282 of 2017

MOHAN SINGH

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

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

Present: Mr. K.P.S.Dhillon, Advocate  
for the petitioner.

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**RAJ MOHAN SINGH, J. (ORAL)**

Vide this common order, CRM-M No. 9294 of 2017  
titled **Mohan Singh vs State of Punjab** and CRM-M No. 11282  
of 2017 titled **Mohan Singh vs State of Punjab** are being  
disposed of.

Petitioner seeks anticipatory bail in case bearing FIR  
No.104 dated 14.07.2016 under Section 420 IPC, registered at  
Police Station Goraya, District Jalandhar and the petitioner has  
also challenged the order dated 28.11.2016 vide which he was

declared to be a proclaimed person.

Both the parties were co-sharers in the joint land. Vide family settlement dated 08.05.2004, the complainant paid an amount of Rs.2,30,000/- to the petitioner for the land which came to the share of petitioner i.e. plot at well, room constructed at the well along with tubewell. Thereafter, there was an alleged exchange of the said portion of the land without the consent of the complainant.

Learned counsel for the petitioner contends that in view of revenue record, petitioner is still owner of the portion in question and the exchange in question with Pal Singh is not relatable to the portion of land which has been made subject matter of the FIR. At the time of registration of FIR, the petitioner was not present in India. In terms of Section 105(b) of Cr.P.C., the petitioner was required to be served with the process of the Court before declaring him a proclaimed person.

In a civil suit filed by the complainant, the trial Court has already granted status quo in respect of nature of land. Now, the petitioner intends to appear before the trial Court and join the proceedings.

Notice of motion.

Mr. Rajiv Joshi, Advocate appears on behalf of the complainant and on the asking of the Court, Mr. Shilesh Gupta,

Advocate accepts notice on behalf of State of Punjab.

In view of controversy involved between co-sharer, I propose to decide both the cases today itself.

Let the petitioner appear before the trial Court on or before 24.04.2017 and in the event of his appearance, he shall be granted regular bail by the trial Court subject to its satisfaction. Thereafter, the petitioner shall face the trial.

Both the petitions are disposed of accordingly.

05.04.2017  
*jjyoti Y.*

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No