

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-28030-2018

Date of Decision:13.07.2018

Rohit Bhagat and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Sant Pal Singh Sidhu, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.0044 dated 09.05.2018 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Cantt. Ferozepur.

Learned counsel appearing on behalf of the petitioners has argued that on the basis of an agreement to sell dated 05.08.2014, petitioner No.1 has purchased a six marla plot situated in the Cantonment Area of Ferozepur for a valid sale consideration. Thereafter, petitioner No.1 has sold that house to complainant-Paramjit Singh on 03.11.2016. Since the original owner Sushma Sharma, who was issueless and adopted Jiwan Jyoti, who is son of her daughter, has disowned him on 10.06.1997, she (Sushma Sharma) has executed a registered Will dated 17.01.2014 in favour of Hindu Sabha. However, at later stage, complainant-Paramjit Singh has come to

know that the Will dated 07.04.2014 as projected by Jiwan Jyoti, which was

the basis of an agreement to sell dated 05.08.2014 in favour of petitioner No.1, was a forged one. Learned counsel for the petitioners states that petitioner No.1 is a bonafide purchaser against the sale consideration. So far as the Will dated 07.04.2014 allegedly forged by Jiwan Jyoti is concerned, the same is subject matter of challenge before the civil court. He further states that petitioner No.1 had purchased the said property on 05.08.2014 and it is only on 03.11.2016, this property was sold by petitioner No.1 in favour of Paramjit Singh-complainant i.e. after a considerable time.

On the other hand, learned State Counsel on instructions from ASI Mohinder Singh states that since petitioner No. 1 is the beneficiary of the forged Will and it is on the basis of that Will, Jiwan Jyoti has sold the property to petitioner No.1. The allegations against the petitioners are serious.

I have heard learned counsel for the parties.

Considering the fact that the Will dated 07.04.2014 is subject matter of challenge before the civil court, the complainant-Paramjit Singh is still in possession of the property and has stated to be rented it out, this Court finds that the petitioners who are in custody since 09.05.2018 deserve to be admitted on bail.

Accordingly, the present petition is allowed and the petitioners are admitted on regular bail, subject to furnishing of their bail bonds/surety bonds to the satisfaction of the trial Court.

July 13, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No