

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

CRM-M-34255-2017 (O&M)

Date of decision: 20.04.2018

Amarjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. M.S. Sachdev, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Kawaljyot Singh, Advocate for the complainant/
Paramjit Singh.

Mr. Yagyang Ajay, Advocate for the complainant/Kuljeet Kaur.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition seeking concession of pre-arrest bail to the petitioner in case FIR No.204, dated 15.08.2017, under Sections 406/420 IPC, registered at Police Station Adampur, District Jalandhar.

Counsel for the parties have been heard.

It may be noticed that initially a complaint dated 09.01.2017 was made by certain residents of Village Mohaddipur Ariyan, Tehsil and District Jalandhar and belonging to the *adharmi* community against the present petitioner and other persons as regards having taken possession over a certain plot where the community had contemplated to construct a Gurudwara and even installed a Nishan Sahib. It transpires that upon an inquiry having been conducted and report of Naib Tehsildar, Adampur having been furnished it surfaced that one Balwant Singh (since

deceased) had sold land measuring 17 marlas on 04.10.2011 to Paramjit Singh and Surjit Ram without even having title to such land. Present petitioner is sought to be implicated on the basis that he is son of late Balwant Singh and an amount of Rs.8 lakhs from the vendees had been transferred in his account.

During the course of arguments, Mr. Kawaljyot Singh, Advocate representing the original complainant would state that an oral exchange of land had taken place between the community as also Balwant Singh (deceased) pertaining to 9 marlas of land and which was surrendered by the community from Khasra No.79 in lieu of getting 9 marlas of land in Khasra No.115 which was under the title and ownership of Balwant Singh (deceased). The admitted position of fact is that pertaining to the afore noticed 9 marlas of land vesting with Khasra No.115, civil proceedings are pending before the competent Court and which have been initiated by the present petitioner and even a stay order after contest has been passed.

With regard to the 17 marlas of land that had been sold to Paramjit Singh and Surjit Ram, the agreement was entered into, not by the present petitioner but by his father Balwant Singh (since deceased). Mr. M.S. Sachdev, learned counsel representing the petitioner at this stage would submit that even in terms of such written agreement, there is no transfer of ownership but only rights pertaining to possession were transferred.

In the considered view of this Court for purpose of considering the prayer for grant of bail, there would be no requirement for this Court to enter into the merits of this controversy least it may prejudice the rights of either party.

It is also the admitted position of fact that as of date possession of 17 marlas of land in question is with Paramjit Singh and Surjit Ram.

It is a case based on documentary evidence.

Learned State counsel upon instructions from ASI Joginder Singh informs the Court that the petitioner in pursuance to the notice of motion order dated 15.09.2017 has joined investigation.

In view of the peculiar facts and circumstances of this case and coupled with the fact that the petitioner has since joined investigation, his custodial interrogation would not be warranted.

Petition is allowed.

Order dated 15.09.2017 passed by this Court is made absolute.

20.04.2018

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |