

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

CRM-M-38449-2018

Date of Decision:-10.9.2018

Nasar Ahmed

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Saqib Ali Khan, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

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**GURVINDER SINGH GILL, J.**

The petitioner Nasar Ahmad seeks grant of anticipatory bail in a case registered against him vide FIR No.58 dated 18.7.2018 under Sections 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code, 1860 at Police Station City-I, Malerkotla, District Sangrur, Punjab.

The FIR was lodged at the instance of Surjit Singh wherein it is alleged that Amarjit Singh, brother of the complainant and Jasvir Kaur wife of his brother had expired leaving behind a daughter and son and while daughter is married, the age of son is 16 years, who has been residing with his sister. The complainant alleged that on 20.1.2017, when he went to meet his niece at his house in village Lubana Tekku, he came to know that his niece had been missing since the last 4 months and upon enquiries, he found his nephew in the fields whose condition was deplorable and thereafter he brought his nephew along with him. It has been alleged that his sister-in-law (brother's wife) had purchased a house in Malerkotla and when he went there, he came to know that somebody is residing there and upon enquiry,

they disclosed that they had purchased the same and he further came to know that Raghvir Dass, husband of his niece and his brother-in-law Hans Raj had sold the said property in a clandestine manner. The complainant further alleged therein that upon getting a copy of sale deed, he found that his niece had been shown as a major in the said sale deed, although she was a minor about 16 years of age, having been born in 1996 and she had thumb mark on the said sale deed. It is alleged that Asha, Abdul Latif, Tahir Ali Khan, Mohd. Naushad, Hans Raj and Raghvir Dass named in the FIR, in order to grab the property in question, had connived with each other and had got the sale deed dated 1.8.2012 executed and that Raghvir Dass had attested the same, being a witness. It has, thus, been alleged that Raghvir Dass kidnapped complainant's niece and had got the sale deed executed.

The learned counsel for the petitioner submitted that he has falsely been implicated in the present case and that in fact Jasvir Kaur - Bhabhi (sister-in-law) of the complainant had executed an agreement dated 2.12.2011 to sell her property to the applicant and which had been signed by Simranjit Kaur, daughter of Jasvir Kaur as a consenting witness and that subsequently after death of Jasvir Kaur mutation of inheritance in respect of the property of Jasvir Kaur was also sanctioned in favour of her daughter Simranjit Kaur. It has been submitted that in fact the petitioner was cheated inasmuch as Simranjit Kaur subsequently sold the property to someone else and that the said sale deed was challenged by the petitioner by way of filing civil suit wherein alienation of the property in dispute had been stayed by learned Civil Judge (junior Division) Malerkotla vide order dated 18.7.2016 (Annexure P-3).

On the other hand, the learned State counsel has submitted that

in fact Raghvir Dass, husband of Simranjit Kaur had connived with the petitioner and prepared a forged and fabricated agreement dated 2.12.2011 allegedly executed by Jasvir Kaur whereas in fact Jasvir Kaur had expired on 1.12.2011. It has further been submitted that Simranjit Kaur, in any case, at the time of alleged agreement dated 2.12.2011 was a minor and was not competent to be a consenting witness and that even at the time of execution of sale deed dated 1.8.2012, she was a minor and the sale deed had been got executed by mentioning her age incorrectly. The learned State counsel has further submitted that it has been found during investigation that Raghvir Dass had got a DDR lodged stating that his wife is missing wherein he had incorrectly mentioned her age as 40-45 years whereas the said age is far from being correct age, as mentioned in her school certificate.

Having heard the learned counsel for the petitioner and also the learned State counsel and bearing in mind the above stated factual position, especially that the petitioner claims to have entered into agreement to sell property, with Jasvir Kaur on 2.12.2011 when in fact she had expired on 1.12.2011, the involvement of the petitioner is *prima facie* apparent and also his connivance with Raghvir Dass. In these circumstances, I do not find any special case for grant of anticipatory bail.

The petition is sans merits and is dismissed.

**10.9.2018**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No