

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-22760-2018 (O&M)

Date of decision: 15.07.2019

Bhagwan Dass

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Karambir Singh Nalwa, Advocate and
Mr. Y.S. Tiwana, Advocate
for the complainant.

ANIL KSHETARPAL, J. (ORAL)

Learned counsel for the petitioner contends that Karnail Singh after executing the registered gift deed in favour of daughter of the petitioner has lodged the present FIR alleging that the registered gift deed is result of fraud and cheating. He further submits that in fact Karnail Singh was an employee of Gurdas Garg, brother of the petitioner, and since both the brothers fell apart, therefore, large number of cases have been registered against the petitioner. He further submits that the civil suit filed by Karnail Singh challenging the aforesaid gift deed is still pending. He further submits that the petitioner has already joined the investigation.

On the other hand, learned counsel for the State assisted by Sh.

Y.S. Tiwana, Advocate who is representing the complainant, submits that

the custodial interrogation of the petitioner is required as it is to be ascertained that who else were involved in the fraud. She further submits that the petitioner is already behind the bars since 06.04.2019 in FIR No.154 of 2018.

It is not in dispute that the interim bail in the present case was granted on 25.05.2018 and the petitioner has never been arrested in the present case.

This Court has considered the submission of learned counsel for the parties. The registered gift deed is available with the police. The person who has executed the gift deed is Karnail Singh and names of attesting witnesses are available on the aforesaid gift deed. The civil suit between the parties is pending. Registered document has the presumption of correctness.

In view thereof, interim order dated 25.05.2018 passed by this Court is made absolute.

Accordingly, the present petition is disposed of.

15.07.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No