

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13167-2019

Date of decision: 20.05.2019

Surinder Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Chauhan, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Sandeep Arora, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.21 dated 03.02.2018 under Sections 406, 420 IPC, registered at Police Station Mukerian, District Hoshiarpur.

While granting interim bail to the petitioners, following order was passed by this Court on 20.03.2019: -

“.....The FIR has been registered on the statement of Phumun Singh with the allegations that the petitioners and their father-Hoshiar Singh sold the land measuring 5 kanal 12 marlas to the complainant vide sale deed dated 31.10.2007 for sale consideration of Rs.5,15,000/-. However, the said land had already been declared surplus in the year 1962 and was allotted to one Roop Lal.

Learned counsel for the petitioner states that said Hoshiar

Singh-father of the petitioner died on 04.07.2011. The petitioners were not aware of the fact that the land sold to the complainant had been declared surplus in 1962, however, having realized the said fact, they entered into agreement with the complainant on 16.2.2018 to sell equal measure of land to the complainant. Pursuant to the agreement, sale deed (P.5) has been executed in favour of the complainant in respect of the land measuring 5 kanal 12 marlas. It has been specifically recorded in the sale deed that possession has been delivered in favour of the vendee who has become owner in possession thereof. It has further been recorded that the vendors are left with no right in respect of the said land. In case of any defect over title of this land, the vendors would be responsible.....”

Learned counsel for the petitioners submits that in pursuance of the aforesaid order, petitioners have joined the investigation and are not required for any further investigation.

Learned State counsel, assisted by learned counsel for the complainant and on instructions from ASI Ravinder Singh, has not disputed the factual position and states that the petitioners are no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 20.03.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

20.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No