

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision : 3.5.2019

CRM-M-29919-2018 (O&M)

Kakku Singh Lambarbdar

...Petitioner

vs.

State of Punjab

....Respondent

CRM-M-35910-2018 (O&M)

Chhinder Pal and another

...Petitioners

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ajay Kamboj, Advocate
for the petitioner(s).

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Ashok Kumar Sama, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

Vide this common order I shall decide the abovementioned two petitions as they have emerged from the same FIR.

These two petitions have been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in case FIR No. 91 dated 12.6.2018 registered under Sections 420, 406, 323, 34, 120-B IPC at PS

Sadar Fazilka, District Fazilka.

As per the allegations of the complainant, she was married to Ramandeep who was the brother of the petitioners Chhinder Pal and Sunil Kumar on 24.11.2016. The said Ramandeep passed away on 29.8.2017 and at that time the complainant was pregnant. Her in-laws gave her an assurance that she would be married to petitioner Sunil Kumar and on that pretext some property which was standing in the name of the deceased-Ramandeep was transferred to father-in-law of the complainant and also executed the sale deed of entire property in name of the father of the petitioners.- Sunil Kumar and Chhinder Pal. In that sale deed it was wrongly mentioned that father-in-law had no other legal heir whereas the complainant was legal heir (wife of the pre-deceased son) and a child was in her womb. Petitioner-Kakku Singh Lambardar attested the sale deed. After using the complainant she was thrown out of the house and at present she living with her parents with a young son of her deceased husband. At one stage, this Court also sent the matter for mediation because the complainant said that she only wanted that her child should be given his share of the property but no settlement could be arrived and that is why, the matter is before me for decision on merits.

Learned counsel for the petitioners has argued that there was no false statement made in the sale deed because on the date of the sale deed child was not born. He is however not in a position to deny that even the wife of the pre-deceased was a legal heir and it is thus clear that false statement was made in the sale deed. The other conduct of the petitioners in transferring the vehicles stand in the name of the deceased also betrays their

mens rea.

In the totality of the circumstances, I am not persuaded to grant the concession of anticipatory bail to the petitioners.

Consequently, both the petitions stand dismissed.

Since the main cases have been dismissed, the pending criminal miscellaneous application, if any, also stands dismissed as such.

3.5.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No