

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

**CRM-M-19743-2019
Date of decision: 22.05.2019**

Jagjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Naveen Sharma, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0071 dated 29.03.2019, under Sections 177, 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Moti Nagar, District Police Commissionerate, Ludhiana.

The operative part of the order dated 02.05.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner, inter alia, contends that the petitioner is bonafide purchaser of the property and it can only be decided during the course of trial whether he had knowledge about the earlier agreement in favour of the complainant. It is further submitted that in fact after obtaining the NOC from GLADA, the petitioner has even deposited an amount of Rs.21,81,200/-, which was outstanding towards the plot. Notice of motion for 22.05.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 02.05.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the petitioner has additionally argued that before registration of the FIR, two inquiries were conducted and in the inquiry report dated 16.08.2016, conducted by the Assistant Commissioner of Police, Crime-cum-E.O. Wing, Ludhiana, it was observed that since the petitioner has deposited the amount at the time of purchase of the plot by way of a demand draft and Gurmail Kaur has executed the sale deed on the basis of which, mutation has already been sanctioned in favour of petitioner Jagjit Singh and the matter is subjudice before the Court being of civil nature, no action is required to be taken.

Learned counsel for the petitioner has further argued that in the second inquiry report dated 25.05.2017, conducted by Additional Deputy Commissioner of Police, Investigation, Ludhiana, it was held that the matter is of civil nature.

Learned counsel for the petitioner has further argued that after Gurmail Kaur entered into agreement to sell dated 05.05.2015 and was not executing the sale deed, the petitioner even filed a suit for injunction against Gurmail Kaur that she may not allowed to sell the property, however, when the sale deed was executed by her, the suit was withdrawn by the petitioner.

Learned counsel for the petitioner has referred to the statement of Gurmail Kaur which was recorded by the police, in which she has admitted that she has executed the sale deed in favour of the petitioner which is now being challenged by one Kapil Joshi, attorney of the complainant.

Learned State counsel, on instructions from SI Ricchpal Singh, has submitted that whereabouts of Gurmail Kaur are still not known and she is yet to be arrested.

Learned counsel for the complainant has argued that in fact Gurmail Kaur is not the real sister of the complainant and she has manipulated the power of attorney in her favour and has allegedly sold the property to the petitioner.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the submissions of learned counsel for the petitioner and in view of the fact that the petitioner is a *bona fide* purchaser of the property and has deposited an amount of approximately ₹21 Lakh towards the sale consideration and the complainant has never raised any objection when the agreement to sell or the sale deed was executed for almost one year and also keeping in view the aforesaid two inquiry reports, in which the dispute was held to be of civil nature, the instant petition is allowed and the interim bail granted to the petitioner, vide order dated 02.05.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

22.05.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No