

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-52968-2018

Date of Decision: 12.09.2019

Richhpal and others

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. S.K. Bishnoi, Advocate, for the petitioners.

Mr. Ramesh Kumar Ambavta, A.A.G, Haryana.

Ms. Amanpreet Kaur Sabharwal, Advocate,  
for the complainant.

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AMOL RATTAN SINGH, J. (ORAL)

Though learned counsel for the petitioners submits that the complainants are in possession of the property and have even been taking loan against them ever since 2004, and that the petitioners themselves were defrauded by one Santo, daughter-in-law of one Manphool, that does not alter the fact that the sale deed executed by the petitioners in favour of the complainants was on 13.01.2004, without disclosing that there was litigation pending qua the property by way of a civil suit instituted on 17.10.2000 by one Om Parkash, who had contended that he had entered into an agreement of sale with the original owner of the land, i.e. the father-in-law of Santo (Manphool).

The petitioners were obviously fully aware of that litigation because learned counsel for the complainant has pointed to the fact that in the said suit, (a copy of the judgment having been annexed as Annexure P-2 with the petition), in which they were impleaded as respondents no. 2 to 8, they had even filed a written

statement, as has been reflected in paragraph 4 of the said judgment.

Learned State counsel submits on instructions, that the said written statement was filed on 04.06.2002, i.e. about one and half years prior to the sale of the property to the complainant.

Thus, though the petitioners may have been duped into buying the land by the aforesaid Santo (as contended before this Court, though with no comment made thereupon), the fact remains that the petitioners did not disclose the factum of the land being in litigation at the time that they sold it to the complainants on 13.01.2004.

That being so and learned counsel for the petitioners submitting that the petitioners are not able to settle the matter with the respondent, as they are unable to make the payment sought, even though he had made a request for an adjournment on 07.01.2019 on that ground itself, I see no reason to continue with this petition.

Consequently, it is dismissed, with the interim order dated 16.07.2019 is hereby vacated.

Naturally, all observations made hereinabove will be taken to be in the context of the petitioner seeking anticipatory bail under Section 438 of the Cr.P.C., with the merits of the contentions raised on both sides, to be seen by the investigating agency and the trial Court on the basis of evidence (if it comes to that stage).

**September 12, 2019**  
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Whether speaking/reasoned  
Whether Reportable

**(AMOL RATTAN SINGH)**  
**JUDGE**

Yes  
No.