

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

CRM-M-50044-2019 (O&M)

Date of decision : 26.11.2019

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar Tada, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of anticipatory bail in FIR No.587 dated 17.12.2018 registered under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code at Police Station Tosham, District Bhiwani.

Gist of the facts of the case of the prosecution as noted by the Court of Sessions are extracted as under:-

“3. On the perusal of the papers, it has come to the notice of the court that one civil appeal has been filed by Bhateri Devi etc. against Sheela wife of Ishwar impleaded as respondent-plaintiff before the court of Shri Sushil Kumar, learned Additional District Judge, Bhiwani challenging the impugned judgment and decree dated 10.5.2017 passed by the court of Shri Saurabh Gupta, the then learned Additional Civil Judge (Senior Division), Tosham vide which the learned trial court decreed the suit of the plaintiff-respondent.

4. Brief history of the case was that respondent No. 1 to 11 entered into an agreement to sell dated 30.9.2011 in favour of Smt. Sheela, mother of accused Sandeep, with respect to 29/45 share i.e. 43 kanals 15 marlas comprised in khewat No. 188 khatoni No. 229, total measuring 67 kanals 18 marlas situated in the revenue estate of village Baganwala for the sale consideration of Rs.13,67,187/- Since the above respondents

failed to comply with the terms and conditions of the agreement to sell, plaintiff Sheela filed a civil suit before the civil court for the possession by way of specific performance of contract in which Nanak and others defendants appeared and took the defence that they got the suit property alienated at the behest of Sheela herself in favour appellants-defendants No. 12 to 16 on 18.10.2011. Sheela Devi on the said knowledge amended the suit now thereby challenging the sale deed dated 18.10.2011 by impleading Bhateri and others subsequent purchasers i.e. defendants No. 12 to 16. Defendants No. 12 to 16 took the plea that stamp on which the sale deed was executed and registered on 18.10.2011 was purchased by Sheela herself which Sheela denied. This factum was also proved by Sheela by getting the expert examined and it was found that Sheela did not purchase the stamps from Sub Treasury Tosham, as such, suit was decided on merits vide judgment and decree dated 16.5.2017 in favour of Sheela against Nanak and others thereby setting aside the sale deed in favour of Bhateri Devi etc. impleading as defendants No. 12 to 16 in the appeal.”

Learned First Appellate Court in the civil appeal on holding a prima facie enquiry has come to a conclusion that on the treasury challan, thumb impression is of the petitioner and not of Smt. Sheela Devi.

Keeping in view the aforesaid facts, this Court is not inclined to grant concession of pre-arrest bail to the petitioner.

Accordingly, the present petition is dismissed.

26.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No