

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CRM-M No.13158 of 2020 (O&M)**
DATE OF DECISION: 09.07.2020

Jarnail Singh

.....Petitioner

versus

State of Punjab

.....Respondent

2. **CRM-M No.13293 of 2020 (O&M)**

Hardeep Singh

.....Petitioner

versus

State of Punjab

.....Respondent

3. **CRM-M No.13330 of 2020 (O&M)**

Ramesh Kaur

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Onkar Rai, Advocate for the petitioners
Mr. Sidakmeet Sandhu, AAG, Punjab
Mr. V.K. Sandhir, Advocate for the complainants

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ALKA SARIN, J.:

These petitions were heard through video conferencing.

Vide this common order, all three petitions viz. CRM-M No.13158 of 2020, CRM-M No.13293 of 2020 and CRM-M No.13330 of 2020 are being disposed of. Since all the petitions have arisen out of the same FIR, therefore, the facts are being culled from CRM-M No.13158 of 2020. All the three petitions have been filed under Section 439 Cr.PC, 1973 for grant of regular bail to the

petitioner(s) in FIR No.195 dated 05.12.2018 under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Dharamkot, District Moga.

The allegations in the FIR lodged at the instance of complainants Sukhwinder Kaur and Salwant Kaur are that the land in question was sold to the complainants by the petitioner(s) vide registered sale deeds dated 08.09.2016 and 06.04.2018. Subsequent to the execution of the sale deeds, the petitioner(s) transferred the land in question in favour of the wife(s) of the petitioner/co-accused. It is further the allegation in the FIR that the said transfers were done by forging and fabricating documents.

Learned counsel for the petitioner(s) has contended that the petitioner(s) have falsely been implicated in the case by the complainants by preparing forged and fabricated documents. It is further contended that the petitioner(s) are law abiding citizens and, in good faith, had got two sale deeds registered without any consideration in favour of the complainants. It is further the contention of the learned counsel for the petitioner(s) that a cheque for an amount of Rs.60,75,000/- was handed over to the petitioner(s) which later bounced and, as a result, the petitioner(s) approached the civil court by filing a civil suit for declaration that the sale deeds are without consideration and also filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 against one Bhupinder Singh, husband of Sukhwinder Kaur complainant.

I have also heard learned counsel for the State as well as learned counsel for the complainants.

It has been contended by the learned counsel for the State that serious allegations have been made against the petitioner(s) of having forged and fabricated documents in order to transfer the property in favour of their wife(s).

Learned counsel for the complainants has contended that the first sale deed in favour of the complainants is dated 08.09.2016. Thereafter, the petitioner(s) executed another sale deed dated 06.04.2018. Had it been the case that no consideration had passed while executing the first sale deed there was no

question of the petitioners executing a second sale deed in their favour in 2018. It is further the contention of the learned counsel for the complainants that there is a civil suit pending, however, as of date the complainants are the owners of the property by virtue of the sale deeds dated 08.09.2016 and 06.04.2018 and the petitioner(s) could not have got the said property transferred in the name of their wife(s) except by forging and fabricating documents. It is further contended by the learned counsel for the complainants that they are the legal owners of the property in question and, hence, the petitioner(s) by forging and fabricating documents have tried to usurp their property and deprive them of their legal title.

I have heard the learned counsel for the parties and perused the pleadings. A perusal of the file reveals that the FIR was lodged at the instance of the complainants on the allegation that they had purchased land from the petitioner(s) by way of two sale deeds dated 08.09.2016 and 06.04.2018. Mutations with regard to the said sale deeds were also entered in favour of the complainants. Thereafter, a suit for declaration was filed by the petitioner(s) challenging the title of the complainants on the ground that the said sale deeds were without consideration. The allegations made by the complainants in the FIR are that having executed the sale deeds in their favour vide sale deeds dated 08.09.2016 and 06.04.2018 the petitioners had by forging and fabricating documents transferred the same land in favour of their wife(s).

In view of the above, without commenting on the merits of the case, I do not deem this to be a fit case for grant of bail to the petitioners. The petitions are, therefore, dismissed.

(ALKA SARIN)
JUDGE

09.07.2020
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO