

S.No.108

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

CRM-M-18248 of 2020 (O&M)

Date of Decision:13.07.2020

Shubham

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Akshay Bansal, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.126 dated 02.05.2020 registered under Sections 420, 120-B IPC at Police Station Lodhi, District Kapurthala.

It is contended by learned counsel for the petitioner that case against the petitioner is baseless. The petitioner has been a bonafide purchaser of the property in question. However, since the State has alleged that the property had reverted back to the Central Government after cancellation of the allotment in favour of the father of the vendor of the petitioner and that the vendor had no right to transfer the same to the petitioner, therefore, the petitioner is ready even to surrender that property; by getting the sale deed in his favour cancelled.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State. Mr. Zubin, Advocate appears for the complainant.

Learned State Counsel, on instruction from ASI Manjeet Singh, has pointed out that the owner of the land in question is the Central Government. Initially, the land was allotted to Mange Ram, the father of Lal Chand, who sold the land to the present petitioner. However, the allotment in favour of father of Lal Chand was cancelled. Even the litigation qua that cancellation was decided against Lal Chand. Hence, Lal Chand had no right to transfer the land in favour of the petitioner. Therefore, the petitioner could not have got any valid title on the basis of the said sale deed. However, learned State Counsel being assisted by learned counsel for the complainant, has also submitted that the State has no objection if the petitioner surrenders the said land by getting the sale deed in his favour cancelled within a period of one month from today.

As response to this, the counsel for the petitioner, on instruction from his client, has submitted that he is ready to get the sale deed cancelled.

In view of the above, the present petition is allowed, subject to the petitioner surrendering the land, which is the subject-matter of the FIR, in favour of the original owner, i.e. the Central Government; by getting the sale deed in his favour cancelled. Accordingly, it is ordered that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

However, it is clarified that the Investigating Officer shall first

release the petitioner on interim bail only so as to enable the petitioner to complete the process of cancellation of the sale deed. The petitioner shall be finally released on bail by the IO only if he produces before the Investigating Officer the copy of the cancellation deed of the sale deed within the above said specified period.

However, it is also clarified that after getting the sale deed cancelled, the petitioner would be at liberty to recover the sale consideration paid by him as per the sale deed, from Lal Chand/ his legal heirs or the properties left behind by Lal Chand, if so desired by him.

July 13, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No