

In virtual Court

CRM-M-11409-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11409-2021 (O&M)
Date of decision: 12.03.2021

Bhagwan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Nahel, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.157 dated 14.06.2020 under Sections 420, 120-B IPC, registered at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner submits that in the FIR, registered by complainant Darshan Singh, it is stated that his grandfather Kirpal Singh had filed a suit for recovery of Rs.4912/- against Makhan Singh in 1964 and during the recovery proceedings, 66 kanals 12 marlas of land was attached by the Revenue Officer. It is further stated that said entry of attachment

continued till 2015-2016 and the same was changed by the Halqa Patwari and co-accused Melo and Kailo, being heirs of Makhan Singh, had sold the property to petitioner Bhagwan Singh and one Bhola Singh, who had further sold the same to one Jagjit Singh. It is further submitted that the petitioner had purchased the property on verification of the record and he is purchaser for bonafide consideration. It is also submitted that by mere entry of attachment, no right or title is vested in the petitioner to challenge the sale deed, as in the execution proceedings, after attachment, no sale of the land was conducted and even on the civil side, the right of complainant came to an end after expiry of period of limitation.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State while Mr. J.S. Bhinder, Advocate has appeared on behalf of the complainant.

Learned State counsel has, however, submitted that two co-accused of the petitioner namely Avtar Singh and Gurjant Singh have been granted the concession of interim anticipatory bail, vide order dated 24.02.2021 passed in CRM-M-8707-2021 and the order dated 18.02.2021 passed in CRM-M-7722-2021, respectively.

After hearing learned counsel for the parties and considering the allegations in the FIR, a perusal of which shows that it is not case of the complainant that his grandfather Kirpal Singh acquired title over the land, it will be a debatable issue during the trial whether he has a locus to register the FIR, this petition is allowed and the petitioner is granted anticipatory bail

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subject to the conditions envisaged under Section 438 (2) Cr.P.C.

However, it will be open for the Investigating Officer to call the petitioner for joining him in the investigation by issuing an advance notice in writing.

12.03.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No