

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

1. CRM-M-22960-2016 (O&M)

Harbhajan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

2. CRM-M-36793-2018 (O&M)

Harbhajan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

Date of decision: 02.08.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. P. S. Sidhu, Advocate
for the petitioner in both cases.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. S. S. Behl, Advocate
for the private respondents/accused in both cases.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions is for cancellation of anticipatory bail
granted to private respondents/accused in both the petitions in case FIR
No. 46 dated 02.04.2016, under Sections 419, 420, 465, 467, 468, 471,

120-B of the IPC registered at Police Station Division No. 5, Ludhiana, District Ludhiana.

Learned counsel for the petitioner/complainant submits that petitioner/complainant is an NRI and he got the FIR registered through his power of attorney Harbhajan Singh against eleven accused, including the private respondents herein, who have been granted concession of anticipatory bail, vide order dated 03.06.2016 passed by the Additional Sessions Judge, Ludhiana (Annexure P-9).

Learned counsel for the petitioner further submits that the allegations in the FIR are that the father of the petitioner, namely Beant Singh, was owner of some property and after his death, the same was inherited by mother of the petitioner/complainant, namely Beant Kaur. It is further submitted that by forging the power of attorney, which never came in existence, the property was sold successively by one accused in favour of other accused and one of the sale deeds was in fact a sham transaction as it was made in favour of the wife of one of the accused and later on, it was sold to one Harbhajan Singh, who is in possession.

Learned counsel further submits that since the petitioner has already filed a civil suit challenging all the successive sale deeds, the trial Court has wrongly granted concession of anticipatory bail to private respondents/accused.

In reply, learned counsel for the private respondents/accused submits that the FIR was registered after a long delay of about 28 years and in the meantime, considering the seller to be a *bona fide* seller, the land was transferred in favour of the accused persons, who are *bona fide* purchasers.

These petitions are pending since 2016 and 2018, respectively

and there is no allegation in the petition that private respondents/accused have either misused the concession of anticipatory bail in the last four years or have tried to influence the prosecution witnesses or have tried to flee from the process of law.

After hearing learned counsel for the parties, considering the fact that petitioner/complainant could not make out any standard ground, for which, the anticipatory bail can be cancelled, the present petitions are dismissed.

A photocopy of this order be placed on the file of other connected case.

02.08.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No