

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

1. CRM-M-18767-2021

Melo Kaur

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-19180-2021

Kailo Kaur

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 03.08.2021

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

Present:- Mr. G. S. Nahel, Advocate
for the petitioner(s) in both the petitions.

Mr. Joginder Pal Ratra, DAG, Punjab.

(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 grant of anticipatory bail to the
petitioners in FIR No. 157 dated 14.06.2020, under Sections 420, 120-B of
the IPC at Police Station Lehra, District Sangrur.

Learned counsel for the petitioners relies upon order dated

12.03.2021 passed in CRM-M-11409-2021, vide which co-accused Bhagwan Singh has been granted concession of anticipatory bail by this Court. The operative part of the order reads as under:

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

Learned counsel for the petitioners submits that both the petitioners are illiterate and old age ladies and the allegation against them that they, in connivance with revenue officials, removed the attachment note from the revenue record, is yet to be seen during trial.

Learned State counsel submits that for the purpose of completing investigation, the petitioners may be directed to join investigation.

After hearing learned counsel for the parties, without expressing any opinion on the merits of the case, considering the aforesaid facts and circumstances, the present petitions are allowed and the petitioners are granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioners to join investigation, if so required, by issuing them a written notice in this regard.

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

03.08.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No