

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.103

CRM-M No.18835 of 2021

Date of Decision: 13th May, 2021.

Raunki Ram

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Sarju Puri Advocate,
for the petitioner.

* * * *

MEENAKSHI I. MEHTA, J. (ORAL)

Apprehending his arrest in the criminal case registered at Police Station City, Nawanshahr, District SBS Nagar vide FIR No.69 dated 15.04.2021 under Sections 420 and 177 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations levelled by the complainant against the petitioner in the said criminal case, are that the petitioner had sold some land in favour of his (complainant's) son vide the sale deed dated 22.06.1994 but the same got misplaced and therefore, the mutation could not be got entered and sanctioned in accordance thereof and by taking the benefit of the entries of the revenue record in respect of the said land as were still existing in his name, he (petitioner) mortgaged the said land in favour of Punjab & Sind Bank, Nawanshahr, for raising a loan of Rs.3 lacs.

Notice of motion.

Ms. Samina Dhir, Deputy Advocate General, Punjab, who has joined the proceedings in this case in pursuance of the copy of this petition having been sent to the respondent-State in advance, accepts the notice on behalf of the respondent.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition.

Learned counsel for the petitioner contends that a civil suit, filed by the complainant's son against the petitioner and some more persons in respect of the said land, is already pending and in the written statement as filed by the petitioner as defendant No.1 therein, he (petitioner) has specifically denied the execution of the alleged sale deed and moreover, the said sale deed had never been presented by the complainant or his son before the competent revenue authorities to get the mutation entered and sanctioned on the basis thereof and no recovery is to be effected from the petitioner and in such circumstances, he deserves the concession of anticipatory bail.

Learned State counsel does not dispute the above-referred factual position but on the instructions from SI Ashok Kumar of Police Station City, Nawanshahr, she apprises the Court that during the enquiry as conducted by the concerned DSP, the petitioner had admitted the factum of the execution of the said sale deed and therefore, he does not deserve the relief as prayed for in this petition.

Keeping in view the facts that the afore-mentioned civil suit regarding the said land is already pending and as is explicit from the

bare perusal of the copy of the written statement as filed by the present petitioner therein (Annexure P-10), he has made categoric assertions in para No.2 (on merits) regarding the said sale deed having been forged as well as the facts that the said sale deed as claimed to have been executed on 22.06.1994, had never been presented before the competent authorities for a period of more than two decades for sanction of mutation in accordance thereof and no material has been placed on the file to suggest that any recovery is to be effected from the petitioner and without commenting upon the merits of the present case, the instant petition is allowed.

In the event of the arrest of the petitioner, he shall be admitted to bail subject to his furnishing the requisite bail bonds to the satisfaction of the Investigating/Arresting Officer.

The petitioner shall join in the investigation as and when required to do so and shall also abide by all the conditions as laid down under Section 438(2), Cr.P.C.

(MEENAKSHI I. MEHTA)
JUDGE

13.05.2021.
seema

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No