

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**CRM-M-17270-2022
Date of decision: 25.05.2022**

AMRIK SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioner seeks the indulgence of anticipatory bail.

2. In FIR bearing No.165 of 13.11.2021 registered at Police Station Ghagga, District Patiala, offences constituted under Sections 420, 467, 468, 471, 506, 120-B IPC, are embodied.

3. The present bail petitioner is the vendor of one Rakesh Kumar qua whom, through a registered deed of conveyance, executed in his favour, by the present bail petitioner, hence title to the petition property, became transferred, but the above rather, yet rears a possibility of a threat becoming aroused qua his apposite title acquired, through the above executed registered deed of conveyance. The above threat is alleged to spur from the present bail petitioner in purported connivance, with the stamp vendor concerned, making ante dated

agreements to sell, and, that too prior to the execution of the registered deed of conveyance, by the present bail petitioner qua Rakesh Kumar, and, obviously, hence, a possible threat to the acquisition of title, through the execution of registered deed of conveyance, becoming aroused, and, or being potentializable.

4. The learned State Counsel opposes the grant of anticipatory bail to the petitioner, as he submits, that the ante dated writings existing on the non judicial stamp paper, whereons, an agreement to sell became drawn inter se the present bail petitioner, with one Amrik Singh, and, that too prior to the execution of a registered deed of conveyance inter se the bail petitioner, and, one Rakesh Kumar rather are required to be compared with the writings of the present bail petitioner. He submits that in the above regard, the co-operation of the bail petitioner is required inasmuch as, his supplying before the Executive Magistrate concerned, his specimen, and, admitted writings, for, thereafter, the expert after making comparisons thereof, opining qua the authorship of the ante dated writings concerned, borne on the non judicial stamp paper concerned, being or not being relatable to the petitioner herein.

5. However, the above made argument becomes completely infirm, in the light of the observations in respect thereof, being made in paragraph 3, of the verdict made by this court, on 30.03.2022, upon, CRM-M-52475-2021, para whereof becomes extracted hereinafter:-

“3. Be that as it may, even otherwise since the photocopy of the original of the agreement to sell has already been collected by the investigating officer concerned, and, when *prima-facie* the occurrence therein of the ante-time dated may be visible, and, may not require any opinion from the

handwriting expert concerned, as the deterrence, upon the handwriting expert concerned, to make an opinion, upon the photocopies of purportedly forged documents rather arises only when there is a dispute with respect to the writings or signatures. Moreover, when from the record, as maintained by the Treasury concerned, with respect to the releases being made therefrom, of non-judicial stamp papers concerned, the factum of alleged ante-timings, in the non-judicial stamp papers concerned, and, may be allegedly at the instance of the bail petitioner, does, also become the best evidence, to make an appropriate conclusion, that the relevant incriminatory ante-timings becoming possibly made by the bail petitioner....”

6. Be that as it may, even if the above threat to the acquisition of title by one Rakesh Kumar qua the petition property, may be genuine, and, also if it may become potentialized, but threat supra, does prima facie becomes at this stage becomes waned, given the learned State Counsel submitting that civil suits are pending before the learned Civil Court concerned, at the instance of one Amrik Singh, wherein, he has claimed the relief of rendition of decree of a specific performance, in respect of the purportedly prior, to the execution of registered deed(s) of conveyance executed by the present bail petitioner in favour of Rakesh Kumar, rather the disputed ante timed agreement of sale becoming executed qua him by the present bail petitioner. Therefore, when in the above civil suit, obviously the present bail petitioner would be a party, besides Rakesh Kumar would also be arrayed as a defendant. Consequently, when it is permissible for the latter to therein plead that, he was a bona fide purchaser without notice, and, for valuable consideration of the petition property, and, than upon the above pleadings, an issue would be struck, and, also when evidence would also become adduced thereons. Consequently, when thereons findings would also become returned by the learned trial

Judge concerned.

7. Therefore, it cannot be firmly, and, conclusively concluded that uptill the recording of above verdict either accepting or rejecting the above pleas, respectively raised by one Rakesh Kumar, and, by one Amrik Singh, that whether there is any real threat or even any potentializable threat to his title, as became acquired by the victim, through a registered deed of conveyance as made in his favour, by the present bail petitioner. In consequence, prima facie, at this stage, this court comes to a conclusion that the offences made in the instant FIR, cannot be firmly concluded to be committed by the present bail petitioner.

8. In aftermath, this Court becomes constrained to admit the present petitioner to anticipatory bail. In sequel, the instant petition is allowed, and, the order made by this Court on 27.04.2022, is made absolute, subject to his rendering co-operation to the investigating officer concerned, and, his not influencing the prosecution witnesses, and, also his not tampering with the prosecution evidence, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

9. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

25.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*