

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

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**CRM-M No.38141 of 2022
Date of Decision: 21.10.2022**

Ramehar @ Rammehar Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present :- Mr. Nirmal Singh, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G., Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.336 dated 23.07.2019 registered at Police Station Tosham, District Bhiwani, under Sections 420, 467, 468, 471 & 120-B IPC, the petitioner has preferred this petition for seeking the relief of anticipatory/pre-arrest bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by informant-SBI Bank in the subject FIR, are that Hawa Singh, the father and Ramesh Kumar, the brother of the petitioner, had secured a loan of Rs.02 lac from it (Bank) while mortgaging their land measuring 64 kanals in its favour vide the registered mortgage deed and an entry to this effect had been made in the relevant revenue record. After the death of said

Hawa Singh, the mutation qua the land was sanctioned in favour of the petitioner and his co-accused Ramesh Kumar and Khazani (his mother). However, in the subsequent '*Jamabandi*' (revenue record), the factum of the mortgage of the afore-said land was not mentioned by the concerned 'Patwari' (revenue official) in collusion with the above-named accused and thereafter, they (accused) sold the mortgaged land to their other co-accused named Kamla Devi and Laxmi vide the sale-deed dated 24.01.2014 without repaying the outstanding loan amount to it (Bank).

3. Status-report has already been submitted on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police Tosham, District Bhiwani.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner was not a party to the mortgage-deed executed by his father Hawa Singh and his co-accused Ramesh, i.e his brother, in favour of the Bank nor he was aware of the factum of the execution thereof by them and after the sanction of the mutation qua his share in the land in his favour consequent upon the death of his father, he had executed the said sale-deed and in these circumstances, he deserves the relief as prayed for in the present petition.

6. Per-contra, learned State counsel argues that the petitioner did have the knowledge regarding the mortgage of the land in question by his father and brother in favour of the Bank and he conspired with his brother

and mother and they fraudulently executed the said sale-deed in favour of their afore-named co-accused without discharging the liability towards the Bank by way of repaying the outstanding loan amount to it and keeping in view the nature of the offence, this petition be dismissed.

7. The above-named borrowers happen to be the father and the brother of the petitioner and it being so, it seems highly improbable in the normal course of events that the petitioner would have remained oblivious of the fact that the said land had been mortgaged by them (borrowers) in favour of the Bank so as to raise the afore-referred loan. Even otherwise, this fact/plea can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial.

8. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

9. However, it is clarified that nothing contained here-in-before shall be construed be an expression of the opinion of this Court on the merits of the case.

21.10.2022
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(MEENAKSHI I. MEHTA)
JUDGE

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