

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.45287 of 2021

Date of Decision: 11-01-2022.

Harjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

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

Present: Mr. P.S.Ahluwalia, Advocate,
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

Mr. Hardik Ahluwalia, Advocate,
for the complainant.

* * * *

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.59 dated 17.09.2021 registered at Police Station Block Majri, District S.A.S.Nagar, under Sections 419, 420, 465, 466, 467, 468, 471 & 120-B IPC and Section 82 of the Registration Act, 1908, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the sale deed bearing No.1879 dated 29.09.2017 (for short 'the first sale deed') was executed by one Kahna Singh in favour of the petitioner in respect of the land measuring 06 kanals 4 marlas situated in Village Burana. Then, on 09.11.2017, the petitioner executed and got

registered one sale-deed (for short 'the second sale deed') in respect of the same land in favour of his co-accused Jarnail Kaur and Manjit Kaur, the mother and '*chachi*' (the wife of the paternal-uncle) of his another accused named Sarabjit Singh, who was an attesting witness to the first sale deed as executed in his (petitioner's) favour. Complainant-Ramandeep Singh moved a complaint to the Sub Divisional Magistrate, Kharar, alleging therein that the first sale-deed had been got fraudulently executed and registered by impersonating the said vendor, i.e. Kahna Singh. During the enquiry in respect thereof, it was revealed that the Voter Identity Card of vendor Kahna Singh, as presented at the time of the registration of the first sale-deed, was a fake one and the said vendor was also not found to be the resident of Village Hassanpur or Burana.

Status-report has already been filed on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police, Sub Division, Kharar-II, District S.A.S. Nagar (Mohali).

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner has contended that the petitioner is a bonafide purchaser in the first sale-deed and he had no role to play in the alleged crime and rather, it was his co-accused Sarabjit Singh, who had identified vendor Kahna Singh at the time of the registration of this sale-deed and therefore, he (petitioner) deserves the relief as prayed for in this petition.

Per-contra, learned State counsel has argued that about 1½

month after purchasing the said land, the petitioner executed the sale-deed in respect of the same in favour of the above-mentioned close relatives of his co-accused Sarabjit Singh and thus, he has remained actively involved in the crime and keeping in view the gravity of the same, the present petition be dismissed.

Concededly, the first sale-deed is stated to have been executed in favour of the petitioner by one Kahna Singh. In Para No.3 of the status-report, it has categorically been mentioned that during the enquiry as conducted in respect of the complaint moved by the above-named complainant, the Voter Identity Card of vendor Kahna Singh, as annexed with the first sale-deed, was found to have not actually been issued to him. In the normal course of events, the petitioner, being the vendee, is supposed to have negotiated with the said vendor, i.e Kahna Singh, for the purchase of the afore-said land before the execution and registration of this sale-deed and it being so, he cannot be presumed to have remained oblivious of the actual identity of the said vendor. Moreover, about 1½ month after the purchase of the said land, he executed the sale deed in respect thereof in favour of his co-accused Manjit Kaur and Jarnail Kaur who are closely related to the accused named Sarabjit Singh as discussed above. In these circumstances, the true facts qua both the sale transactions and regarding the actual identity of the person appearing before the Registering Authority as vendor Kahna Singh at the time of the registration of the first sale-deed, are required to be unearthed and therefore, the possibility of the requirement of the custodial interrogation of the petitioner for the said purpose cannot be ruled out.

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 bail. Resultantly, the petition in hand stands dismissed accordingly.

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

(MEENAKSHI I. MEHTA)
JUDGE

11-01-2022.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No