

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54644-2021 (O & M)

Date of decision: 03.03.2022

Gurjinder Singh

..... Petitioner

V/s

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. H.S. Jalal, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Aman Mittal, Advocate, for the complainant.

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**JASJIT SINGH BEDI, J. (Oral)**

The present petition is for the grant of anticipatory bail to the petitioner in a case FIR No.114 dated 03.12.2021 under Sections 420, 120-B IPC registered with Police Station Cantt. Bathinda, District Bathinda.

The prosecution case in brief is that the complainant-Sapna Singla moved an application to the investigating agency with the allegations that she was shown a plot measuring 161 Sq. Yds. in Street No.1/16, Baba Farid Nagar, Bathinda by Pardeep Kumar-dealer and three other dealers, namely, Gursewak Singh, Vinod Kumar Singla and Ashok Kumar Mangla. In pursuance to the agreement to sell the aforesaid plot, Pardeep Kumar received a sum of Rs.50,000/- and another 25% of the total amount of sale consideration i.e. Rs.4,50,000/- was paid by the husband of the complainant at the office of the Mangla Property, to a lady. The date for execution and registration of sale deed was fixed for 06.03.2021. She further stated that the aforesaid persons failed to get the sale deed executed and thus, the present FIR came to be registered.

The present petitioner is the husband of the seller, namely, Gurpreet Kaur. The learned counsel for the petitioner contends that it is purely a civil dispute. The wife of the petitioner-Gurjinder Singh was the legal owner of the plot and a false case has been registered against him. He further contended that the wife of the petitioner was even now ready to get the sale deed executed in favour of the complainant. He also stated that it is a case based on documentary evidence and since the petitioner was ready to join investigation, he be granted the concession of anticipatory bail.

The learned counsel for the complainant appeared and had stated that the land, in question, was not a vacant piece of land and there had been a construction raised upon it, probably, at the instance of the petitioner or someone else to whom the petitioner's wife-Gurpreet Kaur had sold the plot. Thus, it was not possible for the petitioner to execute the sale deed in favour of the complainant-Sapna Singla.

The learned State counsel has filed a reply dated 28.02.2022 by way of affidavit of Aaswant Singh, Deputy Superintendent of Police, City-II, Bathinda, District Bathinda, on behalf of the respondent-State. The same is taken on record. A perusal of the reply would show that the payment was taken by Gurpreet Kaur, the owner of the property, in the presence of her husband Gurjinder Singh, the present petitioner. It was Gurjinder Singh, the present petitioner, who on 31.03.2021 undertook to execute the sale deed as per Annexure R-1/T. Thus, he was an equal partner to the agreement in question and the subsequent offence. It has further been stated in the reply that a house had been constructed at the disputed plot by the person who

sold the plot, in question, to a third party and the question of executing the sale deed in favour of the complainant would not arise.

I have heard the learned counsel for the parties at length.

The facts as noticed above clearly establish that the petitioner-Gurjinder Singh and his wife-Gurpreet Kaur, who was the owner of the property agreed to sell the property to the complainant-Sapna Singla but did not execute the sale deed having already handed over the possession of the said property to a third person and/or sold the said property to the third person who himself raised a construction over it. It may also be relevant to mention here that the petitioner and his wife-Gurpreet Kaur have not filed any complaint to the police party against the purported illegal construction raised over their plot, which only goes to show that the construction raised on their plot is with their connivance or by a person who has purchased the same from the petitioner and his wife-Gurpreet Kaur. Thus, it is clear that the accused received the consideration and did not execute the sale deed as the property, in question, is already in the possession of other persons who have raised construction on it.

Keeping in view these facts, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is dismissed.

**( JASJIT SINGH BEDI)**  
**JUDGE**

**March 03, 2022**  
sukhpreet

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