

205/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21696-2022
Date of Decision: 16.02.2023

SARABJIT SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. M.S.Nagra, AAG Punjab.

Mr. Umaid Singh Mann, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 36 dated 26.11.2021 under Sections 420, 465, 468, 471, 120-B IPC, registered at Police Station NRI, District Police Commissionerate, Amritsar.

On 19.05.2022, the Co-ordinate Bench of this Court had passed the following order:

“The learned counsel for the petitioner has submitted that in the present case the allegations levelled by the complainant were that one Jagir Kaur had sold her property to 5 persons including the petitioner and the complainant was in fact the rightful owner of the property and Jagir Kaur had no power to sell the property. He further submitted that in fact before purchasing the property by the petitioner from Jagir Kaur, the revenue record was checked and she had provided a jamabandi depicting her ownership to the petitioner and, therefore, acting as a bona fide purchaser, the petitioner had purchased the property from her and sale deed was also executed and got registered. He further submitted that at the time of the execution of the sale deed the sale consideration was paid through a cheque but immediately after two days of the sale deed it was found by him that there was some dispute with regard to the property which was not disclosed to him and, therefore, he got the payment of the cheque stopped. He

further submitted that till date the petitioner has not got the possession of the property and he was only a bona fide purchaser from Jagir Kaur who had shown him the revenue record i.e. Jamabandi.

Notice of motion.

Mr. Davinder Bir Singh, learned DAG, Punjab accepts notice on behalf of State of Punjab and prays for some time to file an affidavit.

Adjourned to 20.09.2022.

In the meantime, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Amarjit Singh, has not disputed the aforesaid factual aspect and further submitted that the custodial interrogation of the petitioner is not required.

Learned counsel for the complainant submits that the purchasers of the property from Jagir Kaur have further sold the same during the pendency of the petition.

On a query, learned counsel for the complainant has not disputed the fact that civil proceedings were also initiated and no restraint order was issued.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 19.05.2022 is made absolute.

16.02.2023

Janki

(VIVEK PURI)
JUDGE

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