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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M 35705-2023
Date of Decision 26.07.2023

Mohan Singh and another*Petitioners*
versus
State of Punjab ...*Respondent*

Coram Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr.Randeep Singh, Advocate for the petitioner

 Mr. Sandeep Singh, Additional Advocate General, Punjab
 along with ASI Harjinder Singh, P S Banur, Patiala

 Mr. Abhinav Gupta, Advocate for the complainant
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Rajbir Sehrawat, J, (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail to the petitioners in case FIR No. 55 dated 27.04.2023 registered under Section 406, 420 and 120-B of the Indian Penal Code, at Police Station Banur, District SAS Nagar, Mohali (Annexure P-1).

The facts on record shows that the property in dispute was not an ancestral property of the petitioners, rather, they have acquired the title of the said property through the sale deed; which is allegedly executed by one Parkash Kaur in the year 2015. However, on coming to know of the transaction, the said Parkash Kaur has filed a civil suit, challenging the sale deed, as well as, she has initiated the criminal proceedings for her impersonation. In that case, the petitioners had remained in the Jail earlier as well and the charges have been framed against them.

In view of the above facts, it cannot be ruled out that the petitioners were not having the valid title in their favour qua the property in dispute and despite that, they had entered into an agreement to sell with the complainant. In the process, the complainant is alleged to have paid to the petitioners the money amounting to Rs.75,00,000/-, including some of the amount through bank transactions. Therefore, it cannot be said that no *prima facie* case is made out against the petitioners. The prosecution would require the custodial interrogation of the petitioners to unearth the true dimensions of the crime allegedly committed by the petitioners.

In view of the above, this Court does not find it appropriate to interfere in the matter so as to protect the petitioners against their arrest.

Dismissed.

(Rajbir Sehrawat)
Judge

July 26, 2023
mohan bimbura

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