



CRM-M-10015-2024 and CRM-M-10918-2024 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.208 (2 cases)

Case No. : CRM-M-10015-2024

Date of Decision : July 23, 2024

Anu Sharma Petitioner
vs.
State of Punjab Respondent

Case No. : CRM-M-10918-2024

Date of Decision : July 23, 2024

Rishabh Sharma Petitioner
vs.
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr.Chetan Mittal, Senior Advocate
with Mr.Akhilesh Vyas, Advocate
and Mr.Udit Garg, Advocate
for the petitioner.

Mr.R. S. Bhatta, DAG, Punjab.

Mr.Suresh Kumar Arya, Advocate
for the complainant.

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GURBIR SINGH, J. :

1. Vide this common judgment, two afore-stated petitions i.e. CRM-M-10015-2024 and CRM-M-10918-2024 shall be decided as facts and circumstances involved in both these petitions are the same and both petitions relate to the same FIR. However, for the sake of convenience, facts



are being taken from **CRM-M-10015-2024**.

2. Prayer in the present petition(s) is for grant of anticipatory bail to the petitioner(s) in FIR No.0005 dated 07.02.2024, under Section 406, 420, 120-B IPC, 1860, registered at Police Station Banur, District Patiala (Annexure P-1).

3. The case in question was registered on the complaint of Avtar Singh. As per allegations, he was an illiterate and rustic person and was addicted to liquor. Yograj Sharma (husband of petitioner Anu Sharma) and father of petitioner Rishabh Sharma entered into a conspiracy and cheated the complainant, who was owner of 5.5 acres of land in village Tiwana. The said land was got sold out. The accused got purchased the land for complainant from one Dalip Kaur. The entire sale consideration was paid by the complainant. Yograj Sharma got registered sale deed of 04 bighas in his favour. Raj Kumar Jain also got registered sale deed of 02 bighas in his favour. However, Yograj Sharma and Raj Kumar Jain did not pay any sale consideration to Dalip Kaur. Yograj Sharma got mortgaged 06 bighas of land of complainant for a sum of Rs.12 lakhs borrowed by the complainant and the land was got registered in the name of petitioner Anu Sharma. The complainant returned the amount of Rs.12 lakhs to Yograj Sharma and Rishabh Sharma. Yograj Sharma and both the petitioners i.e. Rishabh Sharma and Anu Sharma conspired with each other and cheated the complainant.

4. Learned counsel for the petitioner(s) has argued that 12 bighas of land was jointly purchased from Dalip Kaur by three persons i.e.

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complainant Avtar Singh, Yograj Sharma and Raj Kumar Jain, by way of registered sale deed dated 06.02.2013, for consideration of Rs.75 lakhs. Yograj Sharma (since deceased) was the husband of petitioner Anu Sharma and father of petitioner Rishabh Sharma. Out of 12 bighas of land, 06 bighas were in the name of complainant Avtar Singh, 04 bighas in the name of Yograj Sharma and 02 bighas in the name of Raj Kumar Jain. The mutation was accordingly sanctioned by the Revenue Authorities in the year 2013 itself. Complainant Avtar Singh subsequently sold his share of 06 bighas to Anu Sharma by way of registered sale deed dated 29.11.2017 and mutation was accordingly sanctioned in her name. Subsequently, Raj Kumar Jain sold his share of 02 bighas to Rishabh Sharma by way of registered sale deed dated 02.01.2019 and mutation was accordingly sanctioned in his name. Meanwhile, Anu Sharma and Yograj Sharma also sold their respective shares of 06 bighas and 04 bighas in the name of their son Rishabh Sharma, by executing a registered deed of transfer of ownership dated 26.12.2018 and mutation thereof was also sanctioned in favour of petitioner Rishabh Sharma and he became owner of entire 12 bighas of land. Yograj Sharma died in the year 2021. Learned counsel for the petitioner(s) has further submitted that the dispute is civil in nature. The allegations have been levelled after a long period of ten years. The petitioner Rishabh Sharma also filed a suit for permanent injunction against the complainant, which was decreed ex-parte, vide judgment and decree dated 31.10.2023. The complainant did not challenge the sale deed for such a long period. With these submissions, prayer for granting concession of anticipatory bail to the

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petitioner(s) has been reiterated.

5. On the other hand, learned State counsel as well as learned counsel for the complainant have opposed the prayer made by learned counsel for the petitioner(s). It has been argued that the entire sale consideration was paid by the complainant but the sale deed was got registered, also in the name of Yograj Sharma with regard to 04 bighas of land and 02 bighas in the name of Raj Kumar Jain. Yograj Sharma also claimed Rs.12 lakhs from the complainant and in lieu of that, he got executed sale deed of the land of the complainant in the name of petitioner Anu Sharma. So, both the petitioners and Yograj Sharma have conspired with each other and committed fraud upon the complainant. In these circumstances, none of the petitioners deserves to be protected by the Court of law.

6. I have heard the arguments advanced by learned counsel for both the parties and learned State counsel.

7. Both the petitioners were granted interim anticipatory bail vide separate orders passed by this Court i.e. order dated 26.02.2024, passed in **CRM-M-10015-2024** titled **Anu Sharma vs. State of Punjab** and also order dated 01.03.2024 passed in **CRM-M-10918-2024** titled **Rishabh Sharma vs. State of Punjab**. Both petitioners have already joined investigation. The entire case is based upon documentary evidence. The original sale deed was executed in the year 2013. The complainant thereafter did not challenge the sale deed in any manner. Mutations on the basis of sale deeds were also sanctioned. The allegations mainly are against



Yograj Sharma i.e. husband of petitioner Anu Sharma and father of petitioner Rishabh Sharma. Yograj Sharma has since expired. The allegation against the present petitioner(s) is that they conspired with late Yograj Sharma. Petitioner Rishabh Sharma also filed Civil Suit for permanent injunction against the complainant, which has already been decreed ex-parte, vide judgment and decree dated 31.10.2023. The complainant has also filed application for setting aside the ex-parte decree, which is pending.

8. In view of the above circumstances, since the case is based on documentary evidence, it is not a case where custodial interrogation of the petitioner(s) is required. Accordingly, both the present petitions i.e. **CRM-M-10015-2024** and **CRM-M-10918-2024** are allowed and interim orders dated 26.02.2024 (passed in **CRM-M-10015-2024**) and dated 01.03.2024 (passed in **CRM-M-10918-2024**) are made absolute.

9. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition(s).

10. Pending applications, if any, shall stand disposed of along with the present petition.

July 23, 2024

monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.