

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102+218

CRM-15740-2024 in/and
CRM-M-14315-2024
Date of Decision.:10.04.2024

Om Parkash

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

Mr. Onkar Singh Batalvi, Advocate
for the complainant.

DEEPAK GUPTA, J. (ORAL)

CRM-15740-2024:

This is an application under Section 482 Cr.P.C. to place on
record reply to the petition.

- 2. Allowed.
- 3. Reply to the petition is taken on record.

CRM-M-14315-2024:

- 4. Prayer in this petition is for grant of anticipatory bail under
Section 438 Cr.P.C in case FIR No.26 dated 07.03.2024 registered under
Section 420 of the IPC, 1860 and Section 36(3) of Punjab Apartment and

Property Regulation Act, 1995 registered at Police Station Division No.2, District Pathankot.

5. After hearing both the sides, it emerges that Smt. Rajinder Kaur had purchased 4 Kanal 8 Marlas of land by virtue of a sale deed dated 04.05.2006 executed by Harbans Lal and Ramesh, the brothers of the present petitioner. Out of that 4 Kanal 8 Marla of land, Smt. Rajinder Kaur sold 4.75 Marla to complainant vide sale deed dated 23.06.2021.

6. The FIR has been lodged by the complainant alleging that despite the sale deed dated 23.06.2021 in his favour, petitioner has transferred 6.25 marla of land in the name of his son Abhishek vide a transfer deed dated 06.06.2023 and that 6.25 marla of land, includes the land measuring 4.75 marla, which had been purchased by the complainant from Rajinder Kaur on 23.06.2021.

7. It is conceded case that there is no representation on behalf of the petitioner to deceive the complainant at any point of time. In case petitioner has transferred that part of property to his son, which had earlier been purchased by the complainant from Rajinder Kaur, it is purely a civil dispute. It is highly debatable as to how Section 420 of the IPC will be attracted in such facts and circumstances in the absence of any representation on behalf of the petitioner to deceive the complainant.

8. As such, present petition is allowed. In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is

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directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

(DEEPAK GUPTA)
JUDGE

April 10, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No