

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(102)

CRM-M-18221-2024

Date of Decision: 15.04.2024

PARKHJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present:- Mr. Parvez Chugh, Advocate for the petitioner.
Mr.I.P.S.Sabharwal, DAG, Punjab.
Mr.Joginder Pal Ratra, Advocate for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure praying for grant of anticipatory bail to the petitioner in case FIR No.0047 dated 29.03.2024 registered under Sections 420, 120-B, 447, 511 of IPC, 1860 at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.
2. The FIR in the present case was got registered by Jeet Singh, complainant by alleging that Navjot Kaur had sold 13 K-12 M of land to him, which was situated at village Dhigana, Tehsil and District Sri Muktsar Sahib. The documents were verified at the time of execution of the registered sale deed and were found to be correct. However, when he went to the Patwari for sanctioning of the mutation, it was found that loan of Rs.1,46,46,085/- was outstanding against the property in question. It was also alleged that the accused had moved an application before the SDM, Sri Muktsar Sahib and the mutation was contested and was declared as a disputed and the said case is still

pending. It was also alleged by the complainant that the accused had committed cheating by selling their land and now they were threatening him of his life and wanted to dispossess him. With these broad allegations, the FIR in the present case was got registered by the complainant.

3. Learned counsel for the petitioner contends that the entire dispute in the present case pertains to a registered sale deed, which was executed only by Navjot Kaur. He further contends that the petitioner is the husband of sister of Navjot Kaur and had no concern with the sale deed. Learned counsel for the petitioner further contends that the petitioner is neither the vendor, nor a witness, nor a property dealer and nor a beneficiary of the said sale deed in any manner. He further contends that the complainant has wrongly alleged that he was not aware of the loan, which was obtained by the father of Navjot Kaur on the land in question as it was duly reflected in jamabandi for the year 2017-2018. He next contends that even the complainant had admitted the said fact before the civil court in the written statement. Learned counsel for the petitioner further contends that a civil litigation is already pending pertaining to the land in question before the competent Court of law and the civil wrong has been converted into a criminal offence, which is not permissible in law. Learned counsel for the petitioner further contends that since the documentary evidence is already with the police/complainant, custodial interrogation of the petitioner may not be required in the present case.

4. On the other hand, learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of crime and had conspired with Navjot Kaur, being the close relative. Learned counsel further submit that the factum of taking of loan of Rs.1,46,46,085/- was concealed from the complainant and a fraud has been committed with him. Learned counsel

further contend that in fact after the registrations of the sale deed, the petitioner and the other accused had trespassed on the land in question and had tried to assault the complainant, who is aged about 86 years and is not entitled for concession of anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case file minutely.

6. In the present case, it is apparent that the entire controversy pertains to execution of a registered sale deed by Navjot Kaur, claiming herself to be an owner. Even the loan in question was taken by father of Navjot Kaur. Learned counsel for the State could not dispute the fact that the petitioner was neither a vendor, nor a witness, nor a properly dealer nor a beneficiary of the sale deed in any manner. Moreover, a civil dispute is already pending between the parties before the civil court and it has been alleged that status quo order has been passed by the civil court.

7. The present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the condition as provided under Section 438 (2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join the investigation , if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in the Section 438 (2) of the Cr.P.C.

April, 15, 2024
Raman

(N.S.SHEKHAWAT)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |