



CRM-M-11565-2024

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

CRM-M-11565-2024

Date of Decision: 22.07.2025

Kuldeep Singh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rose Gupta, Advocate and
Ms. Yashika Walia, Advocate
for the petitioners (through V.C.).

Mr. Atul Gaur, A.A.G., Haryana.

Mr. Sourabh Goel, Advocate
for respondents No.2 and 3.

ANOOP CHITKARA, J.

1. Seeking initiation of criminal proceedings against respondent No.2 on the allegations that she had tendered a false affidavit in this Court in case bearing CRM-M-10011-2023 titled 'Manju Soni v/s State of Haryana and others', the petitioners have come up before this Court under Section 340 r/w 195 CrPC.

2. After issuance of notice, a response has been filed by the private respondents as well as State counsel.

3. Petitioner No.2 Manti Devi had purchased property from respondent No.2 Manju Soni. Respondent No.3 (Mahender Soni) in connivance with his wife respondent No.2 had taken loan of Rs.60 lacs by mortgaging above said plot as security. The mortgage was duly recorded in the concerned revenue records. However, respondent No.2 in connivance with respondent No.3 had prepared a forged, fake, false and fabricated redemption letter dated 28.03.2013 bearing forged signature of officials of Oriental Bank of Commerce. After that, the concerned Patwari in conspiracy and connivance with co-accused also prepared a redemption report and removed the entry from the concerned revenue record. Later on, respondent No.2 sold the said land measuring 121 square yards to Sanjiv Malik and 50% i.e. 121 square yards of land was transferred in favour of her husband respondent No.3. Respondent No.3 husband of respondent No.2 sold 100 square yards out of that plot to the petitioners for a consideration of Rs.6,50,000/- and on 14.06.2017, respondent No.3 also transferred remaining 50 yards through transfer deed



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No. 2003 in favour of one Ajay who was his son. Petitioners case is that Mahender was owner of 121 square yards of land, but he fraudulently sold 150 square yards out of which 100 square yards to petitioner No.2. Overall they had sold the land to petitioner No.2 beyond what they had owned. Feeling aggrieved, complaint was sent against respondent No.3 and respondent No.2 and on 18.10.2022, an FIR No.890 was registered in Police Station Azad Nagar, District Hisar for commission of offence punishable under Section 406, 420 and 120-B IPC. Apprehending arrest, Ajay son of respondents No.2 and 3 and respondent No.2 filed joint anticipatory bail petition before Sessions Court at Hisar. Vide order dated 13.02.2023, Sessions Judge dismissed the said petition. After that, respondent No.2 filed anticipatory bail petition before this Court which was registered as CRM-M-10011-2023. Petitioners grievance is that in the bail application, respondent No.2 made wrong statement that the property which was given to the present petitioners was free from all encumbrances and lien. Further a redemption letter was also attached with the bail petition. In para no.34 of the present petition, petitioners have explicitly reproduced the portion of the bail petition in which it was mentioned in [age 9 para 19 that the redemption was registered way back in 2013. Petitioners grievance is that bail petition which was supported by her affidavit was based on incorrect statements and as such she mis-led this Court and committed an offence of perjury and liable to be prosecuted for the same. As per para 6 of the reply dated 07.09.2024 filed by concerned DySP, it was mentioned that it transpired from the inquiry that on the date till 28.03.2013, the loan amount had not been returned and as such no No Objection Certificate was issued by the Bank. Further, the documents which were annexed while redeeming the entries to mortgage in the revenue records were found to be fake. In para no.12 of the reply, it was mentioned that prosecution was launched against respondent No.3 and Ajay. The private respondents have also filed their detailed response. After denying all the allegations made in the petition and disputing the payment of sale consideration, it was mentioned that civil suit was filed to challenge the sale deed. It was further submitted that entry regarding mutation was only 21.25 square yards and not for entire 50 square yards and petitioners have no locus to challenge the transfer of 50 square yards to son Ajay.

4. Counsel for private respondents submits that no money is pending to the Bank qua that land. State could not dispute the said position. Even the petitioners could not produce any document to contradict that the entire payment has been paid to the Bank. Respondents have also annexed pen drive and other documents which are unnecessary. It appears that after purchasing the property, disputes arose which is not uncommon in this part of the country. The reason for that is property prices have gone up. This Court does not want to comment that the property prices went up because properties are being taken as speculative. This is not the issue involved. The concern for this Court is whether by



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mentioning that the property in dispute was free from encumbrances in a bail petition in which bail was denied to respondent No.2 named Manju, should this Court proceed further against her by initiating inquiry under Section 340 CrPC or bury the matter at this stage. Needless to say that the petitioners might be aggrieved because of some wrong statements, exaggerations and possibly greedy in the hearts of sellers because the properties have become speculative in this part of India which has raised its price beyond any comprehension. It is more a civil dispute for the reason that as on date, as per statement of respondent No.2 and 3, no outstanding amount is pending against Bank to whom some portion of land was mortgaged. Thus, in the entirety of facts and circumstances of the case, this Court does not deem it appropriate to launch prosecution under Section 340 CrPC.

5. Given above, there is no merit in the petition and the same is accordingly, **dismissed**. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No