

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

207

CRM-M-18778-2025
Date of decision: 27.05.2025

RAJIV SHARMA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Ms. Isha Goyal, Advocate and
Mr. R.P.Saini, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Rajiv Sharma, aged about 43 years	21	06.02.2025	420, 467, 468, 471, 474 IPC and Section 82 of the Registration Act, 1908	Navi Baradari, Police Commissionerate	Jalandhar

2. Mr. Arnav Sood, Advocate, put in an appearance on behalf of the complainant, and files his Power of Attorney, which is taken on record.

3. Status report dated 26.05.2025 by way of an affidavit of Amandeep Singh, PPS, Assistant Commissioner of Police, Central, Jalandhar has been filed on behalf of respondent-State. The same is taken on record.



4. On 04.04.2025, following order was passed:-

1. *Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-*

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Rajiv Sharma, aged about 43 years	21	06.02.2025	420, 467, 468, 471, 474 IPC and Section 82 of the Registration Act, 1908	Navi Baradari, Police Commissioner ate	Jalandhar

2. *Learned counsel for the petitioner, inter alia, contends that petitioner – Rajiv Sharma was the owner of the commercial property namely Golden Avenue, Phase 2, Village Ganda, Tehsil and District Jalandhar, in Khasra No.20//6, 7, 8/2, 11/3, 12/2, 13/1/1, 13/2, 14, 15, 21//10/2, 21//11/1, S.C.F. No.1, measuring 3 marlas 119 square feet, i.e. 935 square feet.*

Petitioner executed one registered General Power of Attorney dated 30.11.2022 (Annexure P-3), in favour of one Satnam Singh. Plea of the petitioner is that the said GPA was cancelled after few days, by executing a registered cancellation deed on 07.12.2022.

Counsel for the petitioner contends that despite cancellation of the GPA dated 30.11.2022, Satnam Singh transferred the property in the name of his son namely Aman Satnam Singh, by a sale deed dated 22.02.2023 (Annexure P-5), by projecting the total sale consideration of Rs.10 lacs in the registered sale deed, having been already given to the petitioner – Rajiv Sharma.

On coming to know of the execution of the sale deed, petitioner submitted a letter/complaint to the Tehsildar on



- 3-

21.04.2023, requesting the cancellation of the sale deed, executed at the instance of Satnam Singh. The petitioner further sought to prevent the mutation of the property on the basis of the sale deed registered in the name of Aman Satnam Singh.

3. Petitioner also instituted a civil suit on 25.04.2023, seeking a decree of declaration to the effect that the sale deed executed by Satnam Singh in favour of his son Aman Satnam Singh is bad in law, and rights of the petitioner are not binding with the same.

In the written statement filed by the defendant, Satnam Singh, it was revealed that the petitioner, Rajiv Sharma, had already received an amount of Rs. 25 lacs in consideration of the registered sale deed dated 30.11.2022. Relevant pleading is there in para 3 of the written statement and for convenience same is reproduced here-under:-

In fact, the entire SCF in question is 17' X 55' in measurement. Out of it, the portion in dispute in the present suit measures 17' X 41' which has been purchased by defendant no.2 vide sale deed dated 22.02.2023. The remaining portion at its back is 17' X 14' and is in the shape of an office. It is denied that plaintiff or his family members

are residing in the said SCF which is single storeyed and there is no residence therein. The plaintiff had already taken the consideration of Rs.25 lakhs (Twenty Five Lakhs) for the suit property, from defendant No.1. Plaintiff had agreed to sell to defendant No.1 the suit property, i.e, the 17' X 41' portion of the SCF which measured 2 Marla 153 Square Feet (697 Square Feet) and executed an agreement dated 30.11.2022, to this effect, in favour of defendant No.1. The possession of the same was handed over the defendant No.1. As recited in the above stated agreement



- 4-

of sale, plaintiff simultaneously executed and got registered a general power of attorney on 30.11.2022 itself, in favour of defendant no.1. Vide the said general power of attorney, plaintiff authorized defendant no.1 to, interalia, alienate in any manner the suit property, to act in any manner and in any department and for any purpose, as ecited therein; the plaintiff also specifically authorized defendant no. To get subject matter property, that is, the suit property. This general power of attorney was made irrevocable by the executant, plaintiff. It is totally false and baseless for the plaintiff to allege that he had given said power of attorney as he wanted to go abroad.

Thus, petitioner argues that it is only upon filing of the written statement, by Satnam Singh, he acknowledged first time that the agreement to sell dated 30.11.2022 is, in reality, a document effecting the transfer of property.

4. Subsequently, the petitioner transferred the same property to his wife Shiwani Sharma, by executing a separate sale deed dated 10.10.2023. Following this, a bank loan of Rs. 35 lacs was obtained from HDFC Bank in the name of the petitioner's wife, (as disclosed by the learned State counsel, who puts an appearance on advance notice).

5. Consequently, an FIR has been lodged at the instance of the Sub Registrar, alleging that the petitioner executed two sale deeds/transfer deeds for the same property. One sale deed was executed in favour of his wife, Shiwani Sharma, while the property had already been agreed to be sold to Satnam Singh under the agreement dated 30.11.2022.

The allegation against the petitioner, therefore, is that he executed two sale deeds for a single property.

6. Counsel for the petitioner submits that, at this stage, it cannot be conclusively determined that the allegations made by the office of the Sub Registrar are correct. This is because, the agreement to sell/ document of sale dated 30.11.2022, is currently being contested before the Civil Court in the civil suit filed on 25.04.2023. It is not an admitted position by the petitioner anywhere that he has actually executed any sale deed/transfer deed, except the one dated 10.10.2023 in favour of his wife.



- 5-

7. Counsel for the petitioner further submits that the dispute is purely of a civil nature and, at this stage, no criminality is involved in the case. Therefore, he prays for the grant of anticipatory bail to the petitioner in the present case.

8. Notice of motion.

9. On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report.

10. Adjourned to 20.05.2025.

11. In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.). 12. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport. It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court. “

5. Learned counsel for the petitioner contends that in compliance of the order dated 04.04.2025, passed by this Court, the petitioner has joined the investigation, and has fully co-operated.

He further submits that since the case is based completely upon documentary evidence and also the fact that the petitioner has joined the investigation and his custodial interrogation would not be required, thus prays for confirmation of the interim bail order dated 04.04.2025.

6. On the other hand, learned State counsel refers to paragraph 6 of the said status report, which is reproduced as under:-

“That in response to the said application, certified copy of the document, i.e., the cancellation of the GPA vide registered cancellation deed dated 07.12.2022, has been supplied on 23.05.2025. Meaning thereby, the document, i.e., the cancellation of the GPA vide registered cancellation deed dated 07.12.2022, still exists and the same is genuine document. A copy of said cancellation of GPA vide registered cancellation deed dated 07.12.2022 is



- 6-

attached herewith as Annexure R-1.

7. Reiterating the submissions, counsel for the petitioner submits that once the cancellation of the GPA through the registered cancellation deed dated 07.12.2022 is found to be genuine and valid, there was no occasion for the complainant's father to transfer the rights in property to complainant.

8. He further submits that, based on such a transfer, the complainant seeks to claim certain rights in the property, which would entirely depend upon the outcome of the civil suit. Therefore, no criminality is involved in the present case.

9. Counsel for the complainant argues that once mutation had been recorded in favour of the complainant, there was no occasion for the petitioner to get the same cancelled, without issuance of notice to him or to his father.

10. Upon hearing the respective counsels, appearing in the present case, this Court is of the view that no observation or finding is warranted, at this stage in the instant bail petition, still what complainant is arguing is subject to the fact that whether his father was having any right or title over the property or not, on the day, when it was transferred in his son's name i.e. complainant.

11. In view of the facts recorded hereinabove and also the fact that petitioner has joined the investigation, custodial interrogation is no more required, present petition is allowed and ad-interim order dated 04.04.2025, passed by this Court is hereby made absolute.

12. However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

13. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

27.05.2025
amandeep

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No