

(2020) 08 P&H CK 0014

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 22108 Of 2020

Harpreet Singh Through His Mother Jaspal Kaur

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 14-08-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 148, 149, 420, 447, 506, 511

Citation : (2020) 08 P&H CK 0014

Hon'ble Judges : Avneesh Jhingan, J

Bench : Single Bench

Advocate : Rahul Bhargava, P.S. Walia, B.D. Sharma

Judgement

Avneesh Jhingan, J

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

This petition is under Section 439 Cr.P.C. for grant of bail in FIR No. 155 dated 25.08.2019, the prayer was rejected by Additional Sessions Judge,

Amritsar, vide order dated 29.7.2020.

FIR No. 155 dated 25.08.2019 was registered at Police Station Ajnala, Amritsar under Sections 420/447/506/511/148 read with Section 149 IPC. The

FIR was at the instance of Amarjit Kaur wife of Gurnam Singh and nine persons were named as accused namely Harpal Singh son of Tehal Singh,

Gurmej Singh son of Harpal Singh, Gurwinder Singh Wakil son of Jasbir Singh, Kulwant Kaur d/o Ukar Singh, Harpreet Singh son of Kulwant Singh,

Baljeet Singh son of Hadyal Singh, Nirmal Singh, Shamsheer Singh son of Harbhajan Singh and Satnam Singh.

The allegations are that on 17.09.2002 Harpal Singh, his mother (mother-in-law

of the complainant) and her sisters-in-law had given one General Power of Attorney (GPA) in favour of Gurnam Singh (husband of the complainant). On the basis of the said GPA, he got sale deed executed in favour of the complainant on 28.11.2003. However, the mutation was not sanctioned on the basis of the said sale deed. Later on, Harpal Singh got two GPAs executed in favour of Gurwinder Singh (Advocate) on 5.11.2018 and 25.1.2019. On the basis of said GPAs the land was sold. It is alleged that the subsequent GPAs are fabricated and the complainant is being forcibly dispossessed from the land.

Learned counsel for the petitioner submits that he is a bonafide purchaser of the land and has paid the consideration, for which he has a valid receipt.

It is submitted that the dispute is between the family members and the matter is already pending before the Civil Court. He in spite of making payment has landed in soup.

Learned counsel for the complainant submits that there are two more FIRs apart from the present one. In one there is an allegation of theft of wheat and the other is with regard to attempt to forcibly dispossess the complainant from the land in question.

The State vehemently opposes the grant of regular bail.

Considering the facts that the matter with regard to earlier GPA in favour of Gurmej Singh and the sale deed executed in favour of the complainant is sub judice before the Civil Court and the petitioner is purchaser of the land on the basis of GPA dated 5.11.2018, the concession of bail is granted to the petitioner subject to furnishing surety bond and the personal bond to the satisfaction of Duty Magistrate/Illaq Magistrate.

It is clarified that nothing stated hereinabove shall be construed as an opinion on the merits of the case.