

**Dev Raj Vs. State of Punjab**

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**SooperKanoon Citation :** [sooperkanoon.com/1069671](http://sooperkanoon.com/1069671)

**Court :** Punjab and Haryana

**Decided On :** Aug-19-2013

**Appellant :** Dev Raj

**Respondent :** State of Punjab

**Judgement :**

CRM not M-20178 of 2012 (O&M) 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM not M-20178 of 2012 (O&M) Date of Decision:- 19.08.2013 Dev Raj .....Petitioner Versus State of Punjab .....Respondent CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR Present: Mr. Roopam Jain, Advocate, for the petitioner. Mr. R.P.S. Sidhu, Asstt. Advocate General, Punjab for the respondent-State. Mr. Amardeep Singh, Advocate for respondent No.2. \*\*\*\* MEHINDER SINGH SULLAR , J.(oral) Petitioner-Dev Raj, aged 65 years, son of Ram Dass, has directed the instant petition for the grant of anticipatory bail in a case registered against him, vide FIR No.57 dated 18.05.2012, on accusation of having committed the offences punishable under Sections 420, 465 and 467 IPC, by the police of Police Station City Hoshiarpur, invoking the provisions of Section 438 Cr.P.C.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the Kumar Naresh 2013.08.21 15:56 I attest to the accuracy and integrity of this document Chandigarh CRM not

M-20178 of 2012 (O&M) 2 entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. As is evident from the record, the dispute between the parties pertained to the land bearing Khasra Nos.246, 248 and 249 situated in village Bassi Khawaju, Hoshiarpur. The petitioner and complainant are claiming their respective ownership. As per report dated 06.02.2013 of the Additional Deputy Commissioner (Annexure P-10), the land in question initially belonged to the Firm M/s Balak Ram Mehar Chand Khatri. Its plot were repeatedly auctioned to the different persons by the Official Receiver. There is also contrary report of the Assistant Secretary (Revenue). The dispute appears to be of a civil nature and can only be decided by the civil Court as suggest by the Additional Deputy Commissioner in his report (Annexure P-10). Moreover, the petitioner was stated to have executed the impugned sale deed No.1074 dated 17.05.2000, whereas the present case was registered against the petitioner on 18.05.2012 (after 12 years).

5. not only that, during the course of preliminary hearing, a Co-ordinate Bench of this Court (Daya Chaudhary, J.), has passed the following order on August 13, 2012 :- Learned counsel for the petitioner inter alia contends that the petitioner was owner in possession of the property in dispute as father of the petitioner purchased the plot in open auction in the year 1959 and the present FIR has been registered only on the basis of allegations relating to year 1954 whereas father of the petitioner became absolute owner of the land in dispute. The FIR has been registered on the basis of wrong facts and the petitioner is not involved in the case in any manner. Learned counsel also submits that the petitioner has neither forged not prepared any document as per Section 420 IPC and the property in dispute was not the part of Khasra No.246, 248 and Kumar Naresh 2013.08.21 15:56 I attest to the accuracy and integrity of this document Chandigarh CRM not M-20178 of 2012 (O&M

249. and the shop was constructed on that part of the land. Notice of motion for 19.11.2012. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of the Investigating are as under:- (i) that the petitioner shall make himself available for interrogation before investigating officer as and when

required; (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer; (iii) that the petitioner shall not leave India without the prior permission of the Court.

6. At the very outset, on instructions from ASI Avtar Singh, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. The case is based on documentary evidence. All the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

7. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner by this Court, by virtue of order dated August 13, 2012, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C. Kumar Naresh 2013.08.21 15:56 I attest to the accuracy and integrity of this document Chandigarh CRM not M-20178 of 2012 (O&M) 4 Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. In case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this respect. August 19, 2013 (MEHINDER SINGH SULLAR) naresh.k JUDGE Kumar Naresh 2013.08.21 15:56 I attest to the accuracy and integrity of this document Chandigarh