

**IN THE COURT OF MUNISH SINGAL,  
SESSIONS JUDGE, MOGA.  
(UID NO. PB0053)**

B.A. No.1415-2019  
CNR No. MO0100-4190-2019  
Date of Order: **31.07.2019**

Madhu Hazra, aged 48 years son of Roma, resident of Village Dhudi Ke,  
District Moga.

--- Accused-Applicant.

Versus

State of Punjab

FIR No.11 dated 28.06.2019  
Under Sections:406,447,448,120-B IPC  
Police Station:NRI,Moga

**Bail application under Section 438 Cr.P.C.**

Present :-                      Shri Satnam Singh Dhaliwal, Advocate for accused-  
                                         applicant.  
                                         Shri Sukhdev Singh, Addl. PP for the State.

**ORDER**

This order of mine shall dispose of a bail application under Section 438 Cr.P.C. filed by accused-applicant Madhu Hajra seeking anticipatory bail in the above noted case, which was got registered on the application moved by complainant Harpreet Singh on the allegations that he was residing at Canada since 1996-97 and was permanent resident of Canada and often visited his village Dhudi Ke. He further alleged that Buta Singh had taken power of attorney from him and on the basis of said power of attorney he sold 3 acres of his land to Mohinder Singh resident of Village Chuhar Chak without his knowledge and when he came to know about this fact, he demanded sale consideration of said land but Buta Singh refused to pay him. He further alleged that his 11 acres land was on lease with Buta

Singh, but he did not give any lease amount and in the year 2017, he came to India to get back his land from Buta Singh and gave the same to his brother Kulwant Singh. He further alleged that his father had purchased one house at Village Dhudi Ke from Sewa Singh, but since both complainant and his brother Kulwant Singh were minors, therefore by committing fraud Buta Singh got transferred the said house in his own name, although the sale price of said house was paid by his father out of the joint earnings. He further alleged that as per partition, said house had fallen into his share and apart from this house, another residential house situated at Village Dhudi Ke was also in his name and he was residing in said house since long but Buta Singh had obtained forcible possession of the said house. He was also not returning the house hold articles lying in the said house and was not giving its possession to him. He further alleged that regarding this dispute, Panchayats were convened 3-4 times but all in vain and Buta Singh also filed one civil suit in the Court of Ms. Shilpa Verma, Civil Judge, Moga, without disclosing anything to him for creating dispute with his brother Kulwant Singh, whereas he was having no dispute with his brother Kulwant Singh. He further alleged that when he came to know about this fact from his brother Kulwant Singh, he had to come back to India, despite the fact that he was suffering from kidney problems and on coming to India he withdrew that suit. He further alleged that since he was residing abroad, Buta Singh had committed fraud with him and he had also given possession of his outer house to his Servants Madhu Hazra and Sukhdeep Hazra.

2. Ld. Counsel for the accused-applicant argued that a false case was registered against the accused-applicant on the basis of some secret information. He argued that in a civil suit titled as Buta Singh Versus Harpreet Singh, stay order had been granted by the Court of Shri Arun Shori, Civil Judge, Moga, on 08.10.2018 and no offence was made out against the accused-applicant. It was prayed that the accused-applicant may be released on anticipatory bail.

3. On the other hand, Ld. Addl.PP hotly contested the bail application.

4. I have heard the Ld. counsel for the applicant as well as Ld.Addl.P.P for the State.Police file received.

5. I have heard Ld. Counsel for the accused-applicant as well as Ld. Addl.PP for the State and I am of the opinion that the bail application deserves to be dismissed.

6. Perusal of the police file shows that there are serious allegations against the accused-applicant that he in connivance with his co-accused Buta Singh and Sukhdeep Hazra had taken forcible possession of house of complainant, who was residing abroad. So, keeping in view the gravity of offence, no ground is made out to release the accused-applicant on anticipatory bail as his custodial interrogation is required to reach at the root of the case. Consequently, his bail application is dismissed. File be consigned to the record room.

Pronounced:31.07.2019  
Ashwani Kumar  
Stenographer Gr. II

(Munish Singal)  
Sessions Judge,Moga  
UID No.PB0053

Present :-                Shri Satnam Singh Dhaliwal, Advocate for accused-  
                                 applicant.  
                                 Shri Sukhdev Singh, Addl. PP for the State.

Arguments heard. Vide my separate order of even date,  
the present bail application is dismissed. File be consigned to the record  
room.

Pronounced:31.07.2019  
Ashwani Kumar  
Stenographer Gr. II

(Munish Singal)  
Sessions Judge,Moga  
UID No.PB0053