

208-1

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

**CRM-M-10338-2023
Date of Decision: 26.05.2023**

Karnail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Gurdeep Singh Nehra, Advocate for
Mr. Bhupinder Singh, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

The petitioner (Karnail Singh) has filed the instant petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in case FIR No.518 dated 09.12.2022 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code at Police Station Sohana, District SAS Nagar (Mohali, Punjab).

2. Status report by way of affidavit of Harsimran Singh Bal, P.P.S., Deputy Superintendent of Police, City-2, S.A.S. Nagar on behalf of respondent/State of Punjab has been filed, which is already taken on record.

3. Briefly, the aforesaid FIR was registered on the complaint of one Parvinder Singh @ Gagandeep Singh s/o Santokh Singh, resident of village Tangori who stated that he is having 3.5 acres of land in village Tangori and on 09.12.2022 at around 3:30 P.M. he came to know that his land (1 acre-5 marlas) was being sold by land mafia by becoming fake owner/seller and fake buyer and also forging property papers. It was alleged

that on 07.12.2022, an agreement to sell was forged by Harjit Singh s/o Mukhtiar Singh, resident of village Ratangarh who is impersonating the complainant as fake Parvinder Singh and has also forged an Aadhar Card in his name and is playing the role of land seller whereas Karnail Singh s/o Hari Singh, resident of Mangarh, District Fatehgarh Sahib is impersonating as fake property dealer along with one Kuldeep Singh s/o Prem Singh and they have obtained *jamabandi (farad)*. It was further alleged that there are 6-7 other persons along with them and in case the raid is conducted, then the said persons can be apprehended.

4. As per status report, after registration of present FIR, the investigation was carried out. On 09.12.2022, the present petitioner and his accomplices were arrested. During their arrest, one stamp paper having value of Rs. 4,000 was recovered from the accused Harjit Singh and forged Aadhar Card in the name of Parvinder Singh/the complainant was recovered from the accused Kuldeep Singh. During interrogation, the accused Kuldeep Singh got recorded his statement under section 27 of Evidence Act and on his demarcation, 25 Fards, one Aadhar card in the name of Kuldeep Singh, one aadhar card in the name of Manjit Kaur w/o Mohanjeet Singh, One voter card, one pan card, one identity card of Kuldeep Singh Dhiman of Global Human Rights Front, Vice President, one Maruti Alto car PB-23-Q-8447 the RC of which is in the name of Kuldeep Singh, one RC of Honda Activa PB-23-Q-1004 in the name of Kuldeep Singh, one RC Alto Car PB-23-J-7667 in the name of Kuldeep Singh, one Identity card of press reporter in the name of Kuldeep Singh, one bail bond Parvinder Singh, one affidavit of Jagir Singh, one affidavit of Jagir Singh were also recovered from accused Kuldeep Singh. It is stated in status report that during investigation, Section 420 IPC has been deleted in the FIR and Section 466, 475 IPC have been

added in FIR vide zimini No.14 dated 08.03.2023. It is further stated that during interrogation, the present petitioner admitted that he along with his accomplices namely Kuldeep Singh and Harjit Singh had forged the Aadhar card in the name of Parvinder Singh and had come to execute agreement to sell of the land owned by Parvinder Singh.

5. The petitioner applied for regular bail before the Additional Sessions Judge, SAS Nagar, Mohali, which was dismissed on 30.01.2023. Accordingly, the present petition has been filed by the petitioner before this Court under Section 439 Cr.P.C. seeking regular bail.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the only allegation against the petitioner is that he was a member of the land mafia and was acting as a fake property dealer in the fake buying and selling of land. It is further submitted that the petitioner is in custody since 09.12.2022 and the investigation in the case is complete and a final report under Section 173 of the Code of Criminal Procedure has been presented before the Court. Learned counsel for the petitioner submits that the trial is likely to take time to conclude and no useful purpose would be served by keeping the petitioner behind the bars. Accordingly, prayer for grant of regular bail has been made.

7. Per contra, learned State counsel has opposed the prayer made by the petitioner for grant of regular bail on the ground of seriousness of the offence. It is submitted that the petitioner along with other co-accused persons has prepared forged documents i.e. Aadhar Card etc and petitioner had admitted during interrogation that he along with other co-accused had forged the Aadhar card of the complainant-Parvinder Singh and had come to execute agreement to sell of land owned by complainant-Parvinder Singh. It

is submitted that in case the petitioner is released on bail then he may influence prosecution witnesses or may even abscond and thus delay the trial. Accordingly, the petitioner does not deserve the concession of regular bail and thus the instant petition be dismissed.

8. I have heard learned counsel for the parties and perused the paper book as well as the status report filed on behalf of the respondent/State.

9. As per the FIR, one Harjit Singh is stated to have impersonated as the complainant (Parvinder Singh) in order to sell the land of the complainant and the present petitioner (Karnail Singh) and Kuldeep Singh are stated to be property dealers who are in connivance with the land mafia. As per the status report, various documents including stamp paper and forged Aadhar cards, voter card, PAN card, identity cards etc. have been recovered during investigation and Sections 466 and 475 of the Indian Penal Code have been added in the FIR vide zimini No.14 dated 08.03.2023 and Section 420 of the Indian Penal Code has been deleted. During interrogation, the petitioner is stated to have admitted that he along with his accomplices Kuldeep Singh and Harjit Singh had forged the Aadhar cards in the name of Parvinder Singh (complainant) and had come to execute the agreement to sell of the land owned by the complainant. The petitioner along with his accomplices have been booked for serious offences which includes offence under Section 467 of the Indian Penal Code which is punishable with imprisonment for life.

10. Furthermore, when the accused is facing serious charges, he may develop temptation to jump the bail. The apprehension expressed by the State counsel that if released on bail, there is every likelihood of the petitioner trying to tamper with the prosecution evidence by giving threats

and inducement to the prosecution witnesses and absconding even to prolong the trial, cannot be brushed aside lightly.

11. In view of the above, the present petition under Section 439 Cr.P.C. seeking grant of regular bail to the Petitioner (Karnail Singh) in case FIR No.518 dated 09.12.2022 (Annexure P-1) under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code at Police Station Sohana, District SAS Nagar (Mohali, Punjab); is dismissed.

12. Nothing stated here-in-above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

13. Pending application/s, if any, shall also stand disposed of.

26.05.2023*Himani***(HARSH BUNGER)
JUDGE**

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |