

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

(1) CRM-M-26376 of 2018.
Decided on:- October 30, 2018.

Sukhdev Singh @ Shivdev Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

(2) CRM-M-27952 of 2018.

Prabhjot Kaur and another

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

(3) CRM-M-29215 of 2018.

Amandeep Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Argued by:- Mr. H.S. Oberoi, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Yashveer Kharb, Advocate
for the complainant.

HARI PAL VERMA, J.

This order shall dispose of the aforementioned three petitions filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail in common FIR No.83 dated 03.06.2018 under Section 406 IPC registered against them at Police Station Urban Estate, Patiala.

However, for convenience and clarity, the detailed order is being passed in the petition bearing No.*CRM-M-26376 of 2018*.

The FIR in question was registered on the basis of an application moved by Kamaljit Kaur daughter of Bhajan Singh and daughter-in-law of Shivdev Singh. It is the case of the complainant that Sukhdev Singh alias Shivdev Singh son of Sham Singh son of Partap Singh and other co-sharers had sold land situated in village Bhalur, Tehsil Bagha Purana, District Moga vide three registered deeds i.e. Registered Deeds No.1014, 1015 and 1016. Shivdev Singh was verified by Numberdar of village Bhalur, namely, Iqbal Singh. The elder brother of Shivdev Singh, namely, Sukhdev Singh son of Sham Singh expired on 16.01.2008. Shivdev Singh impersonated as Sukhdev Singh son of Sham Singh. Shivdev Singh is living at House No.1421, Street No.14, Guru Nanak Nagar, Patiala in the name of Sukhdev Singh. He got issued Aadhar Card, Voter Card and PAN Card in the name of Sukhdev Singh on the aforesaid address. He had sold the above mentioned land and got prepared FDRs of the money in State Bank of Patiala in the name of Sukhdev Singh. However, he got encashed these FDRs and purchased a shop at Officer

Enclave, Jiwan Complex, Kheri Gujran on 24.02.2009 by impersonating himself as Sukhdev Singh. Accused Shivdev Singh wanted to sell the remaining land at village Bhalur and to purchase land in the fake name of Sukhdev Singh so as to show that it was his purchase and is not inherited by him. The reason for these acts is that he wants to deprive and usurp the land of the complainant and her daughter Simaranjit Kaur, who is his granddaughter. Accused Shivdev Singh has committed cheating with the complainant by getting her married with his son, who was a drug-addict and was a patient of epilepsy. After the death of the husband of complainant, the complainant was forced to leave her matrimonial home along with her daughter and was living at the mercy of her parents. In the conspiracy, accused Shivdev Singh, his son Amandeep Singh, daughters Prabhjot Kaur and Sandeep Kaur were involved and they have an eye on the land of the complainant.

Learned counsel for the petitioners has argued that apart from the fact that there is a long delay in lodging the FIR, the petitioners have falsely been implicated in the case. The dispute between the parties is more or less of a civil nature, as the complainant wants her share in the property. The complainant wants two properties, which were purchased long back in the year 2008 with the retirement funds of petitioner Shivdev Singh, who is an old blind man suffering from various old age ailments. He has relied upon the documents attached with the paper book so as to show the ailments of petitioner Shivdev Singh.

On the other hand, learned counsel for the complainant has argued that the petitioners have forced the complainant to leave her matrimonial home and her share was usurped by the petitioners. She has been made to live at the mercy of her parents. The petitioners Shivdev Singh, Prabhjot Kaur, Sandeep Kaur and Amandeep Singh are father-in-law, sisters-in-law and brother-in-law of the complainant and they have conspired with each other so as to deprive her share in the property.

Learned State counsel has submitted that pursuant to order dated 25.06.2018 passed by this Court, petitioner Sukhdev Singh @ Shivdev Singh has joined the investigation.

I have heard learned counsel for the parties.

Considering the relations of the parties, efforts were made to get the matter amicably settled before the Mediation and Conciliation Centre of this Court, but adamancy was noted between the parties. The cause of complainant is being endorsed by her father Bhajan Singh.

Considering the nature of allegations and cross-allegations as well as the relationship between the parties, coupled with the fact that in pursuance of order dated 25.06.2018 passed by this Court, whereby interim bail was granted to petitioner Sukhdev Singh alias Shivdev Singh, he has joined the investigation, this Court finds that the order dated 25.06.2018 passed by this Court deserves to be made absolute.

Accordingly, the order dated 25.06.2018 passed by this Court vide which interim bail was granted to petitioner Sukhdev Singh @ Shivdev Singh is made absolute.

So far as petitioners Prabhjot Kaur, Sandeep Kaur and Amandeep Singh are concerned, they also deserve to be granted the concession of anticipatory bail.

Accordingly, all the three petitions stand allowed.

However, if required, all the petitioners, namely, Sukhdev Singh @ Shivdev Singh, Prabhjot Kaur, Sandeep Kaur and Amandeep Singh shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case in accordance with law without being influenced with these observations in any manner. Present petition is for a limited purpose for the relief of anticipatory bail.

Photocopy of this order be placed on the file of other connected cases.

October 30, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No