

CRM-M-45248-2017 &
CRM-M-10306-2018

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

(1) CRM-M-45248-2017
Date of decision:-14.5.2018

Nachhattar Singh @ Satta @ Satpal

...Petitioner

Versus

State of Punjab

...Respondent

(2) CRM-M-10306-2018

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vinay Kumar Gupta, Advocate
for the petitioner in CRM-M-45248-2017.

Mr.Gurvinder Singh Sidhu, Advocate
for the petitioner in CRM-M-10306-2018.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Ravish Bansal, Advocate
for the complainant.

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-

45248-2017 filed by petitioner – accused - Nachhattar Singh @ Satta @ Satpal and CRM-M-10306-2018 filed by petitioner - accused – Jaswant Singh for grant of regular bail in case FIR No.162 dated 22.7.2017, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station City, Faridkot, District Faridkot.

Briefly stated, facts of the case as per prosecution version are that FIR No.256 dated 1.10.2009 was registered against accused Jaswant Singh, Harmanjit Singh, Sukhdev Singh, Lamberdar, Gurbachan Singh with Police Station City, Faridkot on the allegations of forging an agreement to sell dated 14.11.2006 with regard to 47 kanals 11 marlas of land belonging to Jaspal Singh son of Kashmir Singh; that Jaswant Singh had filed a civil suit of that forged document impleading Jaspal Singh as a party; that further in connivance with Gurdit Singh, Process Server, he got the service effected upon a wrong person impersonating as complainant and managed to get an ex parte decree for specific performance passed in his favour; that thereafter Jaswant Singh filed an execution petition and got the summons served on a wrong person and managed to get the sale deed of that land executed in his favour; that accused were challaned and sent up to face trial; that they earned acquittal by trial Magistrate, however, in appeal filed by State of Punjab, the accused were convicted and sentenced by Additional Sessions Judge, Faridkot vide judgment dated 12.1.2012; that during the pendency of that appeal, an inquiry under order of the Presiding Officer was conducted by DSP, Kotakpura, which revealed that one Harmanjit Singh was co-accused in case FIR No.53 dated 4.5.2009 and FIR No.256 of 2009 along with Jaswant Singh –

accused; that Harmanjit Singh was arrested in FIR No.53; that it was found that his name, address and parentage as informed were wrong and he was an associate of accused Jaswant Singh residing with him and his actual name was Arun Kumar resident of Balvir Basti, Faridkot; that it transpired that Jaswant Singh in collusion with Arun Kumar had forged an agreement to sell dated 12.1.2007 regarding the land measuring 89 Kanals 4 Marlas belonging to Balwant Kaur and her son Buta Singh in favour of Arun Kumar and on the basis of that said Arun Kumar had filed a suit for specific performance giving wrong addresses of defendants and got the summons served upon wrong persons thereby procuring exparte decree for specific performance from the Civil Court and then sale deed executed through the Executing Court, however, when Balwant Kaur came to know about the proceedings, she moved an application for setting aside of exparte judgment and decree; that Balwant Kaur had filed a criminal complaint where Harmanjit Singh was summoned as an accused; that an inquiry into the matter was conducted and it was found that Jaswant Singh is kingpin of the gang indulging in usurping properties of others by forgery of documents, as such FIR No.44 dated 17.2.2011 under Sections 419, 420, 465, 467, 471, 201, 120-B IPC was registered against Jaswant Singh and his accomplices. He has been convicted in that case by learned Additional Sessions Judge, Faridkot vide order dated 21.7.2016. There are several other incidents where Jaswant Singh along with his accomplices had indulged in similar criminal acts.

Both the petitioners had filed petitions for grant of regular bail in the Court of Sessions but were unsuccessful there, as such, they

have approached this Court with the same request.

Notice of the petitions was given to respondent – State and counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner Jaswant Singh has argued that Jaswant Singh was in jail at the time when the agreement to sell was allegedly fabricated and as such he could not have indulged in that fabrication. Furthermore, one Jarnail Singh, DSP Zira has been involving the accused in criminal cases since Jarnail Singh is a land grabber and this is evident from the conversation recorded between him and Sukhwinder Singh in the form of C.D. Therefore, concession of regular bail be granted to him.

Whereas learned State counsel as well as learned counsel for the complainant opposed the request vehemently stating that petitioner Jaswant Singh is kingpin of the gang indulging in forging of documents and then procuring decrees from the civil Court by misrepresentation and impersonation misusing of process of law in the process grabbing valuable properties of innocent persons and accused petitioner Nachhatter Singh had attested the agreement and as a matter of fact the agreement was ante dated and forged and therefore, petitioner Jaswant Singh cannot take advantage of the fact that he was behind bars at the time of alleged execution of the agreement and having such a long criminal record does not deserve to come out on bail since there is every likelihood of his

turning to path of crime again and trying to influence the prosecution witness by giving threat and inducement and even absconding, if granted bail. As regards accused petitioner Nachhattar Singh, as per the prosecution, he had attested the agreement, which was a forged document and had actively participated in the forgery to grab land of Balwant Kaur. Furthermore, petitioner Jaswant Singh is involved in twenty other criminal cases.

The allegations against the accused are indeed very grave and serious and they do not deserve to be granted regular bail. The apprehension expressed by learned State counsel that in case they are granted bail, they would take path of crime again and tried to tamper with the prosecution evidence and even abscond cannot be brushed aside lightly.

Therefore, finding no merit in the petitions, the same stand dismissed.

14.5.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No