

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

**(Heard through VC)**

Crl. Misc. M 21677 of 2020 (O&M)  
Date of Decision: 5.8.2020

Sukhdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. KS Dadwal, Advocate  
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Animesh Sharma, Advocate,  
for the complainant.

**JAISHREE THAKUR, J.**

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No 125 dated 31.07.2018 registered under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Navi Baradari, Jalandhar.

2. A FIR was registered at Police Station Navi Baradari Jalandhar on the allegation that Sukhdev Singh, the petitioner had forged an agreement to sell dated 11.07.2001 purported to be have been executed by Balraj Bindra and Krishan Mohan in his father's favour. In the FIR, it was stated that the complainant was the son of Balraj Bindra and legal heir of Krishan Mohan (his uncle), while submitting that he had obtained a probate

from this Court in respect of the estate of his late uncle Krishan Mohan. It was submitted the agreement to sell dated 11.7.2001 was patently a forged document since Balraj Bindra had expired on 11.5.1991. On the basis of these allegations FIR was registered and the bail application filed by Sukhdev Singh was dismissed.

3. Mr. K.S. Dadwal, learned counsel for the petitioner, argues for grant of anticipatory bail, while contending that the property described as Land bearing Khasra No. 7(0-9), 8 (0-2), 9 (0- 6), 187-4 (0-8), 189/10 (2-2) situated at village Wasti Shah Kulli, District Jalandhar was purchased by the petitioner's father on the basis of sale agreement dated 11.07.2001 which was duly executed by both Balraj Bindra and his brother Krishan Mohan. It is submitted that possession of the land was also handed over as per the terms and conditions settled between the parties and an amount of ₹30 Lacs had been paid in the presence of marginal witnesses. It is contended that the sale was to be executed by 11.7.2015. As the vendors did not come forward to execute the sale deed, a suit was filed before the Civil Judge (Junior Division) Jalandhar, for possession of the said land by way of specific performance of agreement to sell dated 11.07.2001. The vendor's did not step forth despite service and an ex parte judgement and decree was passed in favour of the petitioner, being the successor-in-interest of Harbans Singh and thereafter mutation was sanctioned as well. Learned counsel would also rely upon the death certificate of Balraj Bindra which reflects that he passed away on 17.4.2004 and the death was registered with the Registrar of Births and Deaths Ludhiana. It is contended that civil litigation pending between the parties is now being given the colour of criminal litigation.

4. Appearance has been put in by Mr. Animesh Sharma as counsel for the complainant, who contends that the complainant's father Balraj Bindra expired in 1991 and, therefore, the sale deed executed in 2001 could not be held to be genuine one. It is contended that Both Balraj Bindra and Krishan Mohan never lived in Ludhiana and were in fact residents of Jalandhar. A wrong address had been furnished in the suit for specific performance and an ex-parte judgement and decree obtained. Apart from that, it is contended that the probate in his favour, i.e regarding the estate of Krishan Mohan mentioned this very property. The probate was allowed by this Court vide order dated 21.12.2017, whereas the Civil Suit for specific performance was allowed on 9.1.2018. It is further contended that the Civil Suit had been instituted against dead persons, namely Balraj Bindra and Krishan Mohan. Learned counsel would urge that there is a death certificate available as issued by Registrar of Births and Deaths Jalandhar regarding the death of Balraj Bindra on 11.5.1991. This certificate is dated 17.5.1991 within a week of his death, whereas the certificate relied upon by the petitioner is showing the death to be 17.4.2004 and has been issued recently i.e 16.10.2018. The death certificate as relied upon by the counsel for the petitioner was sought to be verified by the Additional Session Judge, Jalandhar and the statement of the Investigating Officer was recorded on 9.7.2020 wherein he stated that Balraj died in 1991 and Krishan Mohan on 3.5.2015.

5. I have heard the counsel for the parties and with their assistance have perused the paper book.

6. The agreement to sell dated 11.07.2001 is purported to have

been signed by Balraj Bindra and Krishan Mohan whereas there are documents available on the record to substantiate that Balraj Bindra expired in 1991. Interestingly enough, the sale agreement allows 15 years to the vendees to get the sale registered. The suit for specific performance was instituted against dead men and decreed ex-parte, for which separate proceedings are pending. There is a statement on the record of the Investigating Officer where he has confirmed that Balraj Bindra was a resident of House No. 173 Model Town. Jalandhar. and had died in 1991, so how could he have executed a sale agreement in 2001? The death certificate as issued by the Registrar of Births and Deaths. Ludhiana. also raises a suspicion, since the death of Balraj Bindra has been noticed in a judicial order dated 1.9.1997 of the Delhi High Court, in a suit for partition filed between the three legal heirs of Mulk Raj, the father of Balraj Bindra, Krishan Mohan and Prithvi Raj Bindra. The probate in favour of the complainant mention 1/3rd share in House No. 173 Model Town. Jalandhar, which would be enough to draw a conclusion that Krishan Mohan was a resident of Jalandhar and not Ludhiana as stated in the civil suit.

7. The court below has rightly dismissed the application for bail on the ground that custody would be required for proper investigation. Consequently, no ground is made out for interference in the reasoned order.

8. The petition stands dismissed.

**(JAISHREE THAKUR)**  
**JUDGE**

**5.8.2020**  
*prem*

Whether speaking/reasoned  
Whether reportable

Yes  
No