

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

**CRM-M-30211-2021
Date of decision: 27.09.2021**

Jagjit Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amandeep Singh Jawandha, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Gursimran Singh Madaan, Advocate
for the respondent No.2/complainant.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 0098 dated 06.07.2021, registered under Sections 406, 420 and 120-B of the IPC 1860 at Police Station Dakha, District Ludhiana Rural, Punjab.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of complainant-Paramjit Kaur against Bhagwant Singh (Ex-Sarpanch), Kuljit Singh (Ex-Panch), Baldev Singh (Numberdar), Tajinder Singh, Jagjit Singh (petitioner) and Nirbhai Singh, it is stated that all the accused persons, in conspiracy with each other have committed the offence of cheating and fraud and are further extending threats of dire consequences.

The complainant has stated that her real brother namely Joginder Singh has executed a power of attorney dated 24.05.2017 in favour of the complainant vide which she was authorized to look after the land in the village. The brother of the complainant is alive and the power of attorney is not cancelled. In Januray, 2020, the accused persons, approached the complainant with a common objective and took her to the office of Joint Sub-Registrar, Mullanpur for execution of an affidavit regarding a compromise with Kulwant Kaur w/o Joginder Singh i.e. Bhabhi (sister-in-law) of the complainant. However, in conspiracy with each other, they took the signature of the complainant on some papers and also got their photographs clicked with her. The complainant later on came to know that all the accused, with intention to cheat her and in a pre-planned conspiracy, have got transferred the land of her brother Joginder Singh vide three sale deeds in their own favour and are trying to get the mutation entered in their own names in the revenue records. In this regard, she has given a complaint to the revenue officials. It is further stated that the sale consideration shown in the aforesaid three sale deeds was never paid to the complainant though it was shown to be Rs.25,85,000/-, Rs.5,00,000/- and Rs.25,85,000/- respectively. It is further stated that the aforesaid sale deeds got executed fraudulently and the accused persons are trying to usurp the property and take its forcible possession.

Learned counsel for the petitioner has argued that some litigation is pending with regard to the property and therefore, the petitioner could not make the payment. Learned counsel for the petitioner has relied upon certain documents like the sale deeds, civil suit filed by the daughter of Joginder Singh namely Gagandeep Kaur challenging the aforesaid sale

deeds to be outcome of fraud.

Learned counsel for the petitioner further submits that on account of some order passed by the Court, he could not make the payment.

On a Court query, whether the petitioner is ready to deposit the entire sale consideration in the Court subject to the final outcome of the civil litigation, the reply was in negative.

Reply by way on an affidavit of the Deputy Superintendent of Police, Dakha, District Ludhiana Rural is on record and as per the reply, during investigation, the Investigating Officer has found that at the time of execution of the alleged sale deed, cheques were given to the complainant, however, the same were never encashed. To verify this fact, the SHO has also got the statement of the bank officials recorded to the effect that no amount was transferred in the account of the complainant. It is also stated that prior to the registration of the FIR, an inquiry was conducted by the Superintendent of Police, Headquarter, Ludhiana Rural and vide inquiry report dated 04.03.2021, a recommendation for registration of an FIR was made and only thereafter, the present FIR was registered by following the proper procedure and finding that a *prima facie* offence is made out.

Learned State counsel assisted by learned counsel for the complainant submits that some other FIRs of similar nature are also pending against the accused persons, details of which are attached with the reply.

I have heard learned counsel for the parties.

Admittedly an inquiry was conducted before registration of the FIR and finding that a cognizable offence is made out as per the inquiry, the present FIR was registered. The allegations against the petitioner and other accused persons are serious in nature that they took the complainant to the

office of Joint Sub-Registrar, Mullanpur on the pretext of getting the affidavit attested regarding some compromise with her Bhabhi-Kulwant Kaur and the accused persons got three sale deeds executed by showing that three cheques having been given as sale consideration, which were neither given to the complainant nor ever encashed as per the statement of the bank officials and therefore, the complainant was cheated of a total sale consideration of Rs.40,00,000/-.

On the face of it, the cheques were shown as sale consideration before the Joint Sub-Registrar to show that the same are the sale consideration and believing the same, the sale deeds were got executed fraudulently and therefore, I find that it is a case where custodial investigation is required.

Accordingly, the present petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

27.09.2021
Chetan Thakur

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No