

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

**CRM-M-33679-2021 (O&M)**

Date of decision: September 03, 2021

Gurmeet Singh

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present :    Ms. Shubreet Kaur, Advocate  
                  for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. S.S. Grewal, Advocate  
for the complainant.

(through video conferencing).

**ARVIND SINGH SANGWAN, J.**

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.139 dated 26.7.2021 registered under Sections 420/34 IPC at Police Station Civil Lines, Bathinda, District Bathinda.

Counsel for the petitioner submits that the FIR was registered at the instance of Sukhjinder Singh with the allegations that Jagdev Singh, Sukhdev Singh and Gurmeet Singh have committed the offence under Sections 420/34 IPC.

It is stated in the FIR that Iqbal Singh, father of the complainant, used to go to Tehsil, where he met co-accused Jadev Singh. He had every knowledge about the family conditions as well as the land. By taking his father in confidence, Jagdev Singh, along with Sukhdev Singh and petitioner- Gurmeet Singh took him to the Tehsil and made his father to sign on many stamp-papers. On 23.11.2020, when complainant visited the Tehsil Bathinda, he came to know about stamp papers got signed from his father, the co-

accused have prepared a mortgage deed about 8 acres of land and got it witnessed from their own children. The mortgage deed was in favour of petitioner Gurmeet Singh. As per the mortgage deed, 8 acres of land was taken by showing Rs.20,80,000/- as consideration and later on, prepared another deed regarding the possession. Even the mutation was sanctioned in their names, however, his father Iqbal Singh did not get a single penny and by taking the advantage of the mental illness and poor health condition of his father, all the accused have defrauded him. It is also stated that an agreement to sell was also prepared for 4 bighas of land, however, nothing was paid to him.

On registration of the FIR, some enquiry was conducted and it was found that as per the mortgage deed, cheque No.008169 dated 10.12.2020 for a sum of Rs.20,80,000/- drawn on Union Bank of India in favour of Iqbal Singh is mentioned as consideration. However, the said cheque was never given by Jagdev Singh or Gurmeet Singh to the father of the complainant Iqbal Singh nor any cash amount in lieu thereof was given. Again, a deed of possession was also registered by showing payment of some amount but the same was not made.

During investigation, upon verification from the bank it was found that the cheque for Rs.20,80,000/- was never credited in account of Iqbal Singh and, thus, an offence was committed by the accused persons.

Counsel for the petitioner submits that, in fact, in lieu of the cheque, the petitioner has paid back the amount. When asked upon, some of the withdrawal from his bank, however, the same are not showing that the amount of Rs.20,80,000/- was either withdrawn after the cheque was taken by the accused persons nor was ever deposited in the account of the complainant. Counsel for the petitioner further submits that complainant Sukhjinder Singh has filed a suit for permanent injunction against petitioner-Gurmeet Singh praying for a decree to restrain him from taking the possession of the land and the same is pending. Counsel for the petitioner has further submitted that even Iqbal Singh had filed a suit against petitioner-Gurmeet Singh and

co-accused Sukhdev Singh seeking a declaration that the alleged mortgage deed dated 10.12.2020 declared null and void as it is an outcome of fraud. Counsel for the petitioner has further submitted that since both the suits are pending, the matter is of civil nature. It is further argued that as per the another agreement dated 26.4.2021, executed by Iqbal Singh in favour of Balwinder Singh, it is proposed to sell 4 bighas of land and in that regard Balwinder Singh has given a complaint to the police that the said land is already subject matter of litigation.

Learned State counsel, assisted by counsel for the complainant, has opposed the prayer on the ground that Jagdev Singh was having a dominant relationship over Iqbal Singh, who is facing mental illness and got his signatures on many stamp papers and, later on, converted into an agreement to mortgage deed dated 23.11.2020 and 27.11.2020 and subsequent a registered mortgage dated 10.12.2020. It is submitted that in the registered mortgage deed, the consideration is shown as Rs.20,80,000/- by way of cheque however, the cheque was never handed over to Iqbal Singh and it is own case of the complainant that in lieu thereof he has made money in cash, which is never proved on record. It is further submitted that before registration of FIR, an enquiry was conducted by the DSP and finding that a *prima facie* offence is made out, on the basis of which, the case was registered.

Learned counsel for the complainant has additionally argued that well within the right the complainant has filed a suit for injunction against his illegal dispossession and also his father Iqbal Singh has filed a suit for declaration to declare the mortgage deed null and void as it is without consideration and, therefore, the matter does not become a civil dispute as the primary allegations are of committing a fraud with Iqbal Singh as explained in the FIR that the mortgage deed was got executed without making the consideration and simultaneously on the same day a lease agreement was executed showing that the possession has been handed over back to Iqbal Singh.

Counsel for the petitioner submits the fact that on 10.12.2020 on one hand the petitioner got the mortgage deed in his favour without paying the consideration and the other hand, on the same day prepared an agreement regarding lease of the land which shows that the signatures of Iqbal Singh were taken by playing a fraud.

After hearing counsel for the parties and considering the serious allegations against the petitioner, I find no ground to grant the concession of anticipatory bail to him.

Accordingly, the petition stands dismissed.

**September 03, 2021**  
**satish**

**( ARVIND SINGH SANGWAN )**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No