

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

CRM-M-35166 of 2021 (O&M)

Date of Decision: November 15, 2021

Tajinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gaurav Mohunta, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG Punjab.

Mr. Kanwaljit Singh, Senior Advocate with
Mr. Harmeet Singh, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.104 dated 07.05.2021, registered under Sections 420 of Indian Penal Code (Sections 465, 467, 468, 471, 120-B of IPC added later on) at Police Station Gharinda, Rural Amritsar.

2. Learned counsel for the petitioners would submit that the petitioners have been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is submitted that the present dispute is a civil dispute as has been held in three enquiries

conducted, in which it was recommended that no action is required by the police. It is submitted that in the fourth enquiry held by Naib Tehsildar, police action was recommended, however, in the fifth enquiry held by ADCP (City-2), it was recommended to approach the civil court or to invoke the arbitration. It is further submitted that in the sixth enquiry held by SSP, Amritsar (Rural) through SP(D), Amritsar, the earlier enquiry report (fourth enquiry report) submitted by Naib Tehsildar was rejected and the other enquiry report (fifth enquiry report) was upheld stating that the matter should be referred for arbitration as per AOP. However, AIG, Crime Zonal, Amritsar, did not concur with the sixth enquiry report and recommended for registration of FIR in the matter. It is contended that in the complaint filed in Human Rights Commission by the petitioners, a status report was filed wherein, it was found that the matter is of civil nature and police need not interfere. It is argued that the petitioners have been implicated in the present case only because they were running the business as partners with Surjit Singh and except this, no role has been attributed to them. It is also contended that in view of Clause 14 of Deed of Association of Persons of M/s C.C. Developers dated 15.12.2005 entered into between Surjit Singh and the father of the complainant, the parties therein are to settle their dispute through mutual negotiations and arbitration. It is submitted that the documents with regard to transfer of land/properties in favour of the petitioners were executed by Surjit Singh in their favour and as has been held in different enquiries conducted at different levels, no criminal offence is attracted under the facts and circumstances of the present case as the dispute is primarily of civil nature. It is also contended that the present case

is based on documentary evidence which is already in custody of police, as such, custodial interrogation of the petitioners would not be required in the matter.

3. Learned senior counsel appearing on behalf of the complainant and the State counsel would per contra, oppose the grant of anticipatory bail to the petitioners by contending that there are serious allegations that have been levelled against the petitioners herein. It is argued that the petitioners herein have forged and fabricated the exchange deeds, of which they are signatories. It is contended that father of the complainant, late Inderpreet Singh Chadha had purchased properties in the name of Association of Persons (AOP) namely M/s C.C. Developers of which his father was a partner to the extent of 50% share whereas, Surjit Singh (since deceased) was a partner to the extent of 40% share and Anil Kumar was a partner to the extent of 10% share. It is submitted that in another AOP namely M/s Rajan Enterprises, Surjit Singh (since deceased) was a partner of 65% share whereas, petitioner No.1-Tajinder Singh was a partner of 25% share and petitioner No.2-Harpreet Singh was a partner of 10% share. It is further submitted that in another AOP namely M/s Gobind Associates, Surjit Singh (since deceased) was a partner of 75% share whereas, petitioner No.1-Tajinder Singh was a partner of 25%share. It is argued that the petitioners herein in connivance with Surjit Singh (since deceased) fraudulently prepared fake Exchange Deeds of prime and valuable land belonging to firm M/s C.C. Developers with the land purchased in the names of other firms namely M/s Rajan Enterprises and M/s Gobind Associate, without the knowledge of father of the complainant.

4. I have heard counsel for the parties and have gone through the pleadings of the case.

5. As per the reply filed by the respondent-State, father of the complainant namely Inderpreet Singh Chadha had committed suicide on 03.01.2018 regarding which FIR No.01 was registered under Sections 306, 120-B of IPC at Police Station Airport, Amritsar and during investigation of the said case by the Special Investigation Team, offences under Sections 384 and 506 of IPC were added and in a suicide note of the deceased Inderpreet Singh Chadha that was recovered, Surjit Singh (since deceased) was named as one of the prime accused.

6. It has been further stated in the said reply that during the investigation of the present case, it was found that as per clause 11 of Deed of Association of Persons of M/s C.C. Developers, no member was entitled to act on behalf of other members, unless specifically authorized in writing to do so. It has been further submitted that the petitioners herein in active connivance and conspiracy with late Surjit Singh with fraudulent intentions, had forged two Exchange Deeds to exchange more valuable land owned by M/s C.C. Developers with the less valuable land owned by M/s Gobind Associates and M/s Rajan Enterprises to cause wrongful loss to father of the complainant, which are written on fake stamp papers and late Inderpreet Singh Chadha or any of his family member are not party to the said exchange deeds and no written authorization was given to Surjit Singh to execute aforesaid exchange deeds by late Inderpreet Singh Chadha as per clause 11 of Deed of Association dated 15.12.2015.

7. It is also submitted in the said reply that a detailed report from

the District Treasury Officer, Amritsar was obtained about the fake stamp papers used by the petitioners herein for the purpose of preparation of aforesaid exchange deeds and as per that report there was no record available in the said office about the issuance of the said stamp papers, as such, the investigation was being carried out from the angles of manufacturing of counterfeit/fake stamp papers by the petitioners.

8. During investigation, the petitioners herein have failed to disclose the source of finance used in the aforesaid Association of Persons i.e. Rajan Enterprises and M/s Gobind Associates. Moreover, after the transfer of the land allegedly exchanged from M/s C.C. Developers, it was further sold to Dalbir Kaur wife of Surjit Singh (since deceased) and petitioner No.1 received an amount of Rs.3 lacs in his bank account from the bank account of M/s Rajan Enterprise. Under these circumstances, custodial interrogation of the petitioners would be required for a result oriented investigation and this court is not inclined to grant anticipatory bail to the petitioners.

9. In view of the above, the instant petition is hereby dismissed.

10. CRM No.33806 of 2021 for interim bail during the pendency of main petition is rendered infructuous and stands disposed of accordingly.

November 15, 2021

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No