

**CRM-M-21290-2021 (O&M);
CRM-M-11944-2021 and
CRM-M-14168-2021**

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

**CRM-M-21290-2021 (O&M)
Date of Decision: 19.01.2022**

(I)

Jasmeet Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-11944-2021

(II)

Balwinder Kaur

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-14168-2021

(II)

Jagroop Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. D.S. Pheruman, Advocate,
for the petitioner (in CRM-M-21290-2021).

Mr. Vikas Gupta, Advocate,
for the petitioner (in CRM-M-11944-2021).

Mr. J.S. Thakur, Advocate,
for the petitioner (in CRM-M-14168-2021).

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Bikramjit Aroura, Advocate,
for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI, J.(Oral)

All the three bail petitions are taken up together for final disposal with the consent of learned counsel for the parties since all the petitions arise out from the same FIR.

All the three petitions have been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioners in FIR No.21 dated 26.01.2021, under Sections 419/420/465/467/468/471/120-B IPC, registered at Police Station Jandiala, District Amritsar Rural.

Reply has been filed by the State in CRM-M-21290, titled '*Jasmeet Singh Versus State of Punjab*' and, therefore, the facts are being taken from the aforesaid case.

As per the FIR, which was lodged on the basis of complaint made by one Yashpal Sharma son of Sh. Piara Lal Sharma, resident of Jandiala Guru, Tehsil and District Amritsar by stating that three persons namely, Jasmeet Singh, Gurcharan Singh and Mangal Singh by joining hands with each other cheated the complainant for an amount of Rs. 48 lakhs and he was also having threat of life as well and as per the complaint made by the aforesaid complainant Yashpal Sharma, there is a land of 57 Kanal 10 Marlas bearing Khasra No.32/3, 4/2, 7, 8, 9/2,12/1, 13/14, 15/32/4/2, 32/4/2, 32/5/1, 32/16, bearing Khewat Khatoni No.112/173, 174 and 175 which is

situated in village Kotli Sarukha, Tehsil Khadur Sahib, District Tarn Taran and owner of the same was Manjeet Singh son of Sulakhan Singh. However, the aforesaid accused Jasmeet Singh impersonated himself as Manjeet Singh and executed an agreement to sell with the complainant and cheated him in this regard and an amount of Rs. 35 lakhs was received by Jasmeet Singh and the remaining amount of Rs. 10 lakhs was again received on 28.01.2016 and thereafter, another amount of Rs 3 lakhs was also received by him and, therefore, total amount of Rs.48 lakhs have been received by the aforesaid accused person regarding which an agreement was also reduced in the form of a writing and which has been attached alongwith the FIR. The witnesses have also joined hands with accused Jasmeet Singh and have taken an amount of Rs. 48 lakhs for a land which did not belong to him but it belongs to one Manjeet Singh and the aforesaid Manjeet Singh who was the true owner was not even aware of the same and in this way, the complainant has been cheated of Rs. 48 lakhs and even threats of killing the complainant were also given and threats regarding implicating the complainant in false cases were also given.

Mr. D.S. Pheruman, learned counsel has appeared on behalf of the petitioner Jasmeet Singh in CRM-M-21290-2021, Mr. Vikas Gupta, learned counsel has appeared on behalf of petitioner Balwinder Kaur in CRM-M-11944-2021 and Mr. J.S. Thakur, learned counsel has appeared on behalf of petitioner Jagroop Singh in CRM-M-14168-2021. Mr. D.S. Pheruman, learned counsel has submitted that the petitioner has been falsely implicated in the present case in view of the fact that the amount which is alleged to be given to the petitioner was stated to be given in cash and the

alleged agreement was executed on 20.11.2015 whereas the present FIR came to be lodged in the year 2021 and, therefore, there was a delay of five years in lodging of the present FIR. He submitted that the petitioner never executed any agreement to sell with the complainant and, therefore, it cannot be said that the petitioner had received any amount of money from the complainant.

Mr. J.S. Thakur, learned counsel appearing on behalf of petitioner Jagroop Singh has submitted that the petitioner was neither involved in the present case nor he was signatory to any agreement to sell and that his name has been nominated in the present FIR only because he is son of Mangal Singh who was the signatory to the agreement. He further submitted that there is nothing on record to show that the petitioner in any case participated in any offence and has taken any money.

Mr. Vikas Gupta, learned counsel appearing on behalf of the petitioner Balwinder Kaur has submitted that the petitioner is a lady aged 47 years and she has been falsely implicated in the present case only because he is wife of Mangal Singh who was signatory of the agreement and there is nothing on record to show that petitioner Balwinder Kaur was in any case involved in cheating anybody.

All the learned counsels have submitted that all the petitioners have joined the investigation in pursuance of the interim orders passed by this Court.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has vehemently opposed the grant of anticipatory bail to all the three petitioners. He submitted that an affidavit has been filed

by the State in the case of Jasmeet Singh in CRM-M-21290-2021 and while referring to the affidavit filed by the State, he submitted that it is a case where petitioner Jasmeet Singh alongwith other co-accused have taken an amount of Rs. 48 lakhs from the complainant by impersonating himself as Manjeet Singh who was the co-owner of the land and thereafter, a complaint was given to the police in the year 2019 and a detailed inquiry has been held in this regard. On the basis of the inquiry, it was revealed that petitioner Jasmeet Singh has impersonated the true owner Manjeet Singh in connivance with Mangal Singh, Balwinder Kaur, Jagroop Singh and Gurcharan Singh. Thereafter, on the basis of legal opinion of the Deputy District Attorney, Amritsar, the owner Manjeet Singh also joined the inquiry who denied having entering to any agreement to sell of his land with the complainant. So far as the accused Gurcharan Singh is concerned, the complainant had himself stated that the aforesaid Gurcharan Singh did not have any role to play and, therefore, no involvement of Gurcharan Singh was found in the commission of crime. He further submitted that it is a case where impersonation has been committed by Jasmeet Singh and in the agreement itself which has been attached by the petitioner as Annexure P-5, the petitioner Jasmeet Singh has affixed his thumb impression at the place of executant in lieu of Manjeet Singh and the other accused Gurcharan, Pawan Kumar and Mangal Singh have been witnessed to the aforesaid agreement. The learned Deputy Advocate General further submitted that during the pendency of the present petition the agreement Annexure P-6 was sent to the Forensic Laboratory for comparing the thumb impressions of the person who had signed the agreement in lieu of Manjeet Singh and thumb

impressions of petitioner Jasmeet Singh. He further submitted that the report of the Director, Finger Print Bureau, Phillaur has been received and it has been found by the Director, Finger Print Bureau, Phillaur that there were so many points of similarity between the thumb impression on the agreement and the sample paper of thumb impression of petitioner Jasmeet Singh and, therefore, both of them were identical and are of the same person. He further submitted that once it has been found by the Director, Finger Print Bureau, Phillaur that the thumb impressions of the petitioner and both found on the agreement are identical with each other, then it can be safely said that petitioner Jasmeet Singh was involved in the present case and has taken an amount of Rs. 48 lakhs. He further submitted that in view of the aforesaid factual position, the custodial interrogation of the accused was required for the purpose of elicitation of truth as to what was the modus operandi for the petitioners to have taken money by impersonating some other person. Learned Deputy Advocate General further submitted while referring to the affidavit filed by the State that petitioner Jasmeet Singh is involved in three other cases, out of which in one case he has been acquitted and so far as the remaining two cases are concerned, one is pertaining to under Sections 279/337/338/427 IPC in which the petitioner was declared as P.O on 16.10.2018 but thereafter, he surrendered and, therefore, the P.O order became redundant and the third case pertains to another FIR No. 31 dated 03.02.2018, under Sections 420/120b IPC which is still under investigation and the allegations against the petitioner were similar in nature as of the present case. He further submitted that considering the antecedents of the

petitioner Jasmeets Singh, he may not be granted the anticipatory bail and his custodial interrogation is required.

Mr. Bikramjit Arora, learned counsel appearing on behalf of the complainant has submitted that the petitioners have cheated the complainant to the tune of Rs. 48 lakhs and now after the report of the Director, Finger Print Bureau, Phillaur it has become clear that since the thumb impression on the agreement to sell has matched with those of the sample thumb impressions of the petitioner Jasmeet Singh, the petitioners are not entitled for the grant of anticipatory bail. He further submitted that the petitioner Jasmeet Singh is a part of the gang which is being operated in the area and he is also involved in other cases as well alongwith one of the another co-accused namely Mangal Singh.

I have heard the learned counsel for the parties.

The petitioners have joined the investigation in pursuance of the interim orders passed by this Court but the learned State counsel has opposed the grant of anticipatory bail to the petitioners primarily on the ground that the one of the petitioner namely Jasmeet Singh who has allegedly taken Rs. 48 lakhs from the complainant alongwith the co-accused especially Mangal Singh who has since been arrested and was signatory of the agreement and regarding which the thumb impression of the petitioner Jasmeet Singh has been compared by the Director, Finger Print Bureau, Phillaur with the agreement to sell and they have been found to be identical and, therefore, the submission made by the learned State counsel as well as learned counsel for the complainant so far as the petitioner Jasmeet Singh is concerned, the same would carry some weight. The petitioner Jasmeet

Singh is also involved in three more cases, out of which he has since been acquitted in one of the cases and in another case, he has been declared P.O. but thereafter he has surrendered in that case. Therefore, this Court is of the view that in view of the factual position as discussed aforesaid particularly when the report of the Director, Finger Print Bureau, Phillaur has come, the petitioner Jasmeet Singh is not entitled for the grant of anticipatory bail, and, therefore, qua petitioner Jasmeet Singh, the petition is hereby dismissed.

So far as the other two petitioners namely, Balwinder Kaur and Jagroop Singh are concerned, the same were not admittedly signatory to the agreement and petitioner Balwinder Kaur is wife and petitioner Jagroop Singh is son of other co-accused Mangal Singh who was the signatory to the agreement and at this stage, there is nothing on the record to show to connect these petitioners with the present offence. Both the petitioners have joined investigation as per the learned State counsel and, therefore, this Court is of the opinion that the two petitioners namely, Balwinder Kaur and Jagroop Singh are entitled for the grant of anticipatory bail. Therefore, qua these two petitioners, their petitions stand allowed. It is directed that they will continue to join and cooperate with investigation as and when called by the Investigating Officer. In the event of their arrests, they shall be released on bail by the Arresting/Investigating Officer on their furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

19.01.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No