

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-38513-2022  
Reserved on: 01.09.2022  
Date of Pronouncement: 05.09.2022

Jaswinder Singh  
...Petitioner (s)  
Versus  
State of Punjab  
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. ADS Jattana, Advocate  
for the petitioner(s).  
Mr. Jashandeep Singh, AAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated     | Police Station                                 | Sections                          |
|---------|-----------|------------------------------------------------|-----------------------------------|
| 37      | 9.12.2021 | NRI, District Police Commissionerate, Amritsar | 419/420/465/467/468/471/120-B IPC |

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. The petitioner has not disclosed criminal antecedents.
3. The petitioner in connivance with the other accused allegedly sold the complaint's property by impersonation and fabricating documents.
4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. Ld. counsel representing the State opposes bail.

REASONING:

6. A perusal of the complaint reveals that the complainant handed over the photocopies of his property documents to the accused persons and the petitioner has been named as one of the conspirators. The sly manner in which the petitioner transferred the property points out the dangerous trend that *thuggee* has revived in this area reminding us of its brutal and cruel history.

7. Regarding bail on parity with Harpreet Singh, this court vide order dated 25-08-2022 passed in CRM-M-36900-2022, had granted anticipatory bail to Harpreet Singh, because in para 3 of the bail petition, he had explicitly stated that he was known to the property dealers Lakhwinder Masih and Harish Kakkar and had put his signatures in their good faith and was not a beneficiary. However, the petitioner has been named as a conspirator by the complainant, thus, he is not entitled to bail on parity.

8. The other ground taken by the petitioner for bail is mentioned in paragraphs 3 to 7 of the bail petition. It would be relevant to extract the same, and it read as follows:

- “3. That it is pertinent to mention here that the property is within old city of Amritsar, near Golden Temple and there are no revenue records created or in existence with regard to the ownership of these properties and even the registration is carried out for the exchange of possession on sale consideration. The said property was in possession of ASI Manish Kumar who is son of the complainant, Vinod Kumar and it is ASI Manish Kumar who had sold the property and put the petitioner into possession after having accepted huge sale consideration in cash as such sale consideration is in cash are permitted at that point of time.
4. That in fact what has actually transpired in the present case is that the son of the complainant, Manish Kumar Bawa, is an Asst sub Inspector with Amritsar police and he stated himself to be in possession of the said property which is measuring 240 yd<sup>2</sup> and out of this, ASI-Manish Kumar Bawa along with his mother Mrs. Kamlesh wife of Vinod Kumar is in possession of the said property and had entered into an agreement to sell upon stamp papers purchased on dated: 19/03/2018. The copy of the said agreement to sell dated: 19/03/2018 is annexed herewith as Annexure P-2.
5. That even the part of the sale consideration as the earnest amount was tried to be paid to ASI Manish Kumar Bawa by way of account payee cheque No. 011487 dated: 20/03/2018, however, he refused to accept the said cheque and instead of the same, the amount in cash was paid to them. The cheque No. 011487 dated: 20/03/2018 amounting to ₹ 2 lakhs is annexed herewith as Annexure P-3.

6. That the identity of ASI Manish Kumar is known to the petitioner, specifically in view of the fact that he is an official with the Punjab police and posted in District Amritsar and thereby, there was nothing for the petitioner to be suspicious and it is for these reasons only that the lady and the person who were brought by ASI-Manish Kumar to enter into the agreement to sell as well as to get the sale deed registered as the sale deed was registered on dated: 07/05/2018 and copy thereof is annexed herewith as Annexure P-4.
7. That the photograph of the person who was presented by ASI Manish Kumar is quite visible and available on the sale deed and the actual person who is photograph is available and visible upon the sale deed, Annexure P-4, can always amount from the person who had presented, however, as ASI Manish Kumar, is part of the police Administration of District Amritsar, thereby, he is being shielded and the truth is not being investigated by the police. It is the paramount duty of the police/SHO/10 to carry out a and just investigation so that the actual perpetrators of the crime can be known.”
9. The allegations made in paragraphs 3 to 7 of the bail petition and the supporting documents are grave and required immediate and thorough probe, and detailed investigation. If these are correct, then the petitioner would be entitled to bail, and appropriate action(s) be taken. Given above, the concerned Inspector General of Police is directed to investigate in this regard, either herself or by authorizing any officer of the IPS cadre. Since the petitioner is in custody, the investigation must be completed expeditiously, and its report must be forwarded to the petitioner without delay.
10. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.
11. *There would be no need for a certified copy of this order and the downloaded copy would suffice.*

**Petition dismissed in aforesaid terms.** All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)**  
**JUDGE**

September 05, 2022  
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Whether speaking/reasoned:  
Whether reportable:

Yes  
No.