

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

**CRM-M No. 43592 of 2022
Date of decision : September 21, 2022**

Rakesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Ankur Bansal, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking pre-arrest bail in FIR No. 109 dated 22.07.2022 for offences punishable under Sections 419, 420 467, 468, 471, 120-B IPC, 1860 registered at Police Station Jodhewal, District Ludhiana.

As per the allegations levelled in the FIR it was alleged that:-

“Sir, it is submitted that I Surinder Singh son of Shri Raghunath is resident of House no. 18, street no. 1, Bhamian Road, Grewal Harcharan Nagar, Jamalpur, Ludhiana. I had purchased one plot bearing area 200 square yards situated at village Kakowal Hadbast No. 80 area Gagandeep Colony, street no. 12., Tehsil and District Ludhiana from owner Rakesh Kumar (Aadhar No. 3668-5010-6842) son of Shri Ram Krishan son of Shri Chadha Ram, resident of village Meharban, Backside Gullu Motor Cycle. Rahon Road, Basti Joghewal, Ludhiana (Mob: 95578-09383) vide vasika no. 20477 dated 11.12.2019 for amounting to Rs. 32,00,000/- (Total rupees Thirty Two Lakhs). The sale deed and mutation of which has been entered on my name. I have

already paid the entire amount of the above said plot. The deal of this plot got done by Jasvir Singh alias Bagga son of Shri Bhag Singh, resident of street no. 2, Model Colony, Jaghrpur Road, Ludhiana (Mob: 78146-43378) with Rakesh Kumar. They both taking me into confidence have sold the above said plot to me and have received the entire amount. The foundations of this plot are filled. After some time when I again took the mason to built my plot, another person put up a gate there by getting it four walled and on asking said person told me that this plot is his. When I went again to Rakesh Kumar and Jasveer Singh, they agreed that we have sold this plot to you fraudulently and we will return the amount of Rs. 32,00,000/- received for this plot by Diwali 2021. After that they did not return the money nor gave the plot. Therefore, it requested before your good self that they both in connivance with each other hatched a conspiracy have cheated me by showing a fake plot and have grabbed the money. Therefore, justice may be granted to me by getting this matter investigated and legal action may also be taken against the accused Jasvir Singh and Rakesh Kumar. I would be very grateful to you. Dated 10.01.2022. Yours faithfully, Surendra Singh son of Shri Raghunath, house no. 18, street no. 1. Bhamian Road, Grewal Harcharan Nagar, Jamalpur Awana, Ludhiana (Mob: 79862-75036).

The investigation of the above said complaint has been done by SI Sukhdev Singh E.O. Wing. Ludhiana. Who after the investigation of the complaint has recommended to register an FIR under section 419, 420, 465, 467, 468, 471, 120-B IPC at police station Jodhewal against Rakesh Kumar son of Ram Kishan resident of Backside Gullu Motor Cycle Rahon Road Ludhiana, Jasvir Singh alias Bagga son of Bhag Singh, resident of street no. 02, Model Colony Jagirpur road, Ludhiana and against the person who became fake Jujhar Singh, the report has been sent to Incharge E.O. Wing Ludhiana. Incharge E.O. Wing Ludhiana also after agreeing with the report has prepared his separate report and sent to respected Assistant Commissioner of Police, Financial Crime, Ludhiana. Respected Assistant Commissioner of Police, Financial Crime Ludhiana also agreed with the report and has sent his separate prepared report to respected Commissioner of Police, Ludhiana. On which the respected Commissioner of Police has written Please Verify enquiry J/CP HQ's/L&O. However, the respected Joint Commissioner of Police, Local Ludhiana wrote in

his investigation report that from reading the statement of both the parties attached with the compliant, the record presented, the investigation report and discussion with the primary investigating officer S.I. Sukhdev Singh it has been found that according to complainant Surinder Singh he had purchased plot measuring 200 sq. yards in khasra number 30//22/2-23-24-25/1-34//2/2-3-4-5/1 khata no. 28/28-217/224-218//225 jamabandi year 2005-2006 situated at village Kakowal hadbast number 80 Ludhiana from opposite party Rakesh Kumar son of Ram Kishan through dealer Jasbir Singh alias Bagga. Rakesh Kumar was having in his favor general power of attorney bearing number 1370 dated 06.03.2017 registered with Sub Registrar Ludhiana East executed by Jujhar Singh son of Jarnail Singh, resident of gali number 05, Madhopuri Ludhiana, on the basis of which Rakesh Kumar got the sale deed done in favour of complainant Surinder Singh of the land bearing number 2019-20/106/1/20477 dated 11.12.2019 before Joint Sub Registrar and Jasvir Singh and Rakesh Kumar of opposite party obtained Rs. 32 Lakh from him. When the complainant reached to construct the said plot, he came to know that another person is already occupying this plot. Then he spoke to the opponent and they started to hesitate. The sale deed bearing number 35603 dated 31.03.1994 produced by complainant is registered in favour of Jujhar Singh son of Jarnail Singh, resident of street number 5, Madhopuri Ludhiana by Hardeep Singh son of Pritam Singh son of Sajjan Singh, resident of village Kakowal Ludhiana. Whereas, as per the report of Sub Registrar Ludhiana East sale deed number 35603 dated 31.03.1994 has been registered in favor of Shanti Devi wife of Ram Kumar by Charanjit Singh, Jagdip Singh and Mandeep Singh. The power of attorney of this forged sale deed number 35603 dated 31.03.1994 has further been registered in favor of Rakesh Kumar son of Ram Kishan vide GPA number 1370 dated 06.03.2017. On the basis of which the sale deed number 2019-20/106/1/20477 dated 11.12.2019 has been registered in the name of Surinder Singh by Rakesh Kumar. In response to the questions asked by the first investigating officer in this regard, Rakesh Kumar said that at the time of getting the general power of attorney registered, Jasveer Singh alias Bagga had taken him to the office of Tehsildar saying that only his testimony was required and he do not have any information regarding Jujhar Singh. On which the connivance of Jasveer Singh alias Bagga has been

found. Apart from this FIR No. 82 dated 23.06.2016 u/s 419, 420, 467, 468, 471, 120-B IPC at police station Haibowal, Ludhiana, FIR No. 09 dated 29.04.2017 u/s 420, 467, 468, 471, 120-B IPC at Police Station N.R.I. Ludhiana, FIR No. 204 dated 03.06.2017 u/s 419, 420, 467, 468, 471, 120-B IPC at police Jodhewal and FIR No. 100/2016 u/s 419, 420, 465, 467, 468, 471 120-B IPC at police Station Meharban Ludhiana have already been registered against the opposite party Jasveer Singh. It has been revealed from the investigation that Jasveer Singh alias Bagga is habitual to committing the above type of offences, who did not sign any document as a witness. In this way, from the investigation opposite party Jasveer Singh alias Bagga, fake Jujhar Singh and Rakesh Kumar have to be investigated by registering a case under section 419, 420, 467, 468, 471, 120-B IPC and during the investigation the persons/witnesses regarding the preparation of forged sale deed no. 35603 dated 31.03.1994 also have to be verified, if any other persons are found to be involved then legal action has to be taken against them. Thus, based on the report of Assistant Commissioner of Police Financial Crime Ludhiana, it is recommended to register a case under section 419, 420, 467, 468, 471, 120-B IPC against opposite party Jasveer Singh alias Bagga son of Bhag Singh resident of street number 2, Model Colony Jagirpur Road, Ludhiana, fake Jujhar Singh and Rakesh Kumar son of Ram Kishan resident of Back Side Gullu motor cycle Rahon Road Ludhiana and report is being forwarded to respected Commissioner of Police, Ludhiana. On which the respected Commissioner of Police Ludhiana has written Register case and investigate SHO PS Jodhewal. Today on receiving the above said complaint in police station case has been registered against aforesaid accused. Original complaint along with attached document with copy of FIR has been taken into custody by me for further investigation Control room has been informed through wireless."

Learned counsel for the petitioner submits that there is revenue record to show that the petitioner was owner of the land and thus, it cannot be said that complainant has been allured and cheated. It has been contended that keeping in view that the petitioner executed a sale deed in

favour of the complainant, it cannot be said that the petitioner had any intent to cheat. Infact this is purely a civil *lis* which has been given contours of a criminal nature.

Per contra, Mr. Gurdarshan Singh Sidhu, Asstt. A.G., Punjab, on advance notice submits that there are serious allegations with respect to forgery of the revenue record and consequential cheating. He further submits that complainant has been robbed of the whole earnings of his life. The petitioner is a habitual offender and is facing similar allegations in FIR No. 82 dated 23.06.2016 under Section 419, 420, 467, 468, 471, 120-B of IPC registered at PS: Haibowal, Ludhiana FIR No. 9 dated 29.04.2017 under Section 420, 467, 468, 471, 120-B of IPC registered at PS: NRI, Ludhiana, FIR No. 204 dated 03.06.2017 under Section 419, 420, 467, 468, 471, 120-B of IPC registered at PS: Jodhewal, Ludhiana and FIR No. 100 of 2016 under Section 419, 420, 467, 468, 471, 120-B of IPC registered at PS: Meharban.

I have heard learned counsel for the parties and have gone through the evidence on record.

The allegations against the petitioner relate to forging documents and thereby inducing the complainant to part away with heavy amount of money. Thus, it cannot be said that the matter is purely of civil nature.

Trite it is, that a civil matter can also have criminal implications and in the considered opinion of this Court, the present case falls within that category. Further more, keeping in view the antecedents of the petitioner, it cannot be said that it was one of those cases where he

himself was under wrong belief and believing the revenue record he executed the sale deed.

Without further commenting on the merits of the case and keeping in view the fact that the investigation is at a nascent stage and the same cannot be derailed and belayed at this stage and keeping in view the seriousness of the allegations levelled against the petitioner, no ground for grant of anticipatory bail is made out.

Consequently, the present petition stands dismissed.

Needless to say nothing observed herein shall be construed as an expression on merits of the case.

(PANKAJ JAIN)
JUDGE

September 21, 2022
archana

Whether speaking/reasoned	Yes
Whether Reportable :	No