

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

- (1)

CRM-M-48587-2021 (O&M)

Sukhwinder Singh @ Pritpal Singh

... Petitioner

Versus

State of Punjab

... Respondent
- (2)

CRM-M-49879-2021 (O&M)

Harish Kumar Gupta

... Petitioner

Versus

State of Punjab

... Respondent
- (3)

CRM-M-46043-2021 (O&M)

Gurdhian Singh

... Petitioner

Versus

State of Punjab

... Respondent
- (4)

CRM-M-49896-2021 (O&M)

John Sahib

... Petitioner

Versus

State of Punjab

... Respondent
- (5)

CRM-M-1987-2022 (O&M)

Vishal

... Petitioner

Versus

State of Punjab

... Respondent

Date of Decision:- 11.7.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ankur Bansal, Advocate,
for the petitioner in CRM-M-48587-2021.

Mr. Surjit Singh Salar, Advocate,
for the petitioner in CRM-M-49879-2021.

Mr. Abhay Kumar Sharma, Advocate,
for the petitioner in CRM-M-49896-2021.

Mr. Gitish Bhardwaj, Advocate,
for the petitioner in CRM-M-46043-2021.

Ms. Nisha Rana, Advocate,
for the petitioner in CRM-M-1987-2022.

Mr. Luvinder Sofat, AAG, Punjab and
Mr. Tanvir Joshi, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned five petitions filed on behalf of Sukhwinder Singh @ Pritpal Singh, Harish Kumar Gupta, Gurdhian Singh, John Sahib and Vishal seeking grant of regular bail in a case registered vide FIR No. 89 dated 11.8.2021 under Sections 419, 420, 467, 468, 471/120-B IPC at Police Station Sadar Phagwara, District Kapurthala.
2. The FIR in question was lodged at the instance of Charanjit Singh (uncle of Pritpal Singh Sohal) wherein it is alleged that Pritpal Singh Sohal is residing in England and is owner of land measuring 41 kanals 13 marlas situated in Village Saproar, Tehsil Phagwara District Kapurthala, which he had purchased in the year 2014. It is alleged that the complainant had come to

know that the land belonging to his uncle Pritpal Singh Sohal had been sold by way of impersonation by producing some person as Pritpal Singh Sohal whereas infact Pritpal Singh Sohal had neither executed any such sale deed or nor had executed any power of attorney for executing sale deed and nor had entered into any agreement for sale of his land. It is alleged that Dr. Pankaj Kumar Verma, Palwinder Singh and Jagbir Singh Sandhu had got a sale deed dated 20.5.2021 executed in their favour on the basis of said impersonation.

3. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that apart from Palwinder Singh and Jagbir Singh Sandhu, the rest are not even named in the FIR and have been nominated subsequently. It has been submitted that though the case of the prosecution is that a sale deed in respect of property of Pritpal Singh Sohal (resident of England) had been executed by way of impersonation and that while Sukhwinder Singh had impersonated as Pritpal Singh Sohal, the remaining accused Jagbir Singh Sandhu, Kulwinder Singh and Palwinder Singh had played an active role for execution of the sale deed by way of impersonation and had also opened a bank account in the name of Pritpal Singh Sohal by way of impersonation wherein huge transactions were effected but there is no evidence to substantiate the said allegations.
4. It has further been submitted that the petitioner Harish Kumar Gupta is merely a scribe of the sale deed and had no role to play other than scribing the sale deed at the instance of his clients and cannot be attributed knowledge of fraud, if any, and is not a beneficiary in any manner.

5. The learned counsel representing the petitioner Gurdhian Singh has submitted that he had been working as a petty property dealer and that even as per the investigation conducted by the police he had received only an amount of ₹ 2 lacs in his bank account out of the alleged fraud of ₹2 crores which infact was in respect of some other sale transactions of property and had nothing to do with the present sale-deed.
6. The learned counsel representing the petitioner John Sahib Nambardar has submitted that he had attested the documents as both vendor and vendees were present and he is not a beneficiary in any manner.
7. The learned counsel representing the petitioner Vishal has submitted that he is merely an witness to the sale-deed and even as per the case of the prosecution has not benefited in any manner.
8. It has, thus, been submitted on behalf of the petitioners that they deserve the concession of regular bail.
9. The learned State counsel, on the other hand, has vehemently opposed the petitions and has submitted that it was a well orchestrated conspiracy which was given effect to by the accused who were successful in getting two sale-deeds registered in respect of land of Pritpal Singh Sohal by way of impersonation. The learned State counsel has submitted that the petitioner Sukhwinder Singh is the one who had impersonated as Pritpal Singh Sohal and as such, is the main accused. It has been submitted that the photograph of the petitioner is also available in the record of the Sub-Registrar when sale-deeds were registered and as such, he cannot escape from his liability.

10. The learned State counsel has further submitted that the petitioner Gurdhian Singh is one of the property dealers and having received an amount of ₹ 2 lacs, his complicity is clearly evident particularly when he was also present alongwith co-accused Jagbir Singh Sandhu when an amount of ₹ 50 lacs was handed over to Jagbir Singh Sandhu.
11. The learned State counsel has submitted that the scribe Harish Kumar Gupta, the attesting witnesses John Sahib Nambardar and Vishal also cannot escape from their liability as they had prepared and attested the sale-deeds of an imposter. The learned State counsel has, however, informed that while petitioner Sukhwinder Singh has been behind bars since the last more than 10 months, other petitioners are behind bars since the last more than 9 months. It has also been informed that while Sukhwinder Singh and Vishal are not involved in any other case, Gurdhian Singh, Harish Kumar Gupta and John Sahib Nambardar are involved in one case each. The learned counsel representing Harish Kumar Gupta, however, clarified that the FIR lodged against him already stands quashed. The learned State counsel has, however, informed that charges are yet to be framed and as many as 24 prosecution witnesses have been cited. The learned State counsel has, thus, submitted that the petitioners do not deserve any concession of regular bail and has prayed for dismissal of the petitions.
12. I have considered rival submissions addressed before this Court and have also gone through the reply filed by the State wherein the details of the investigation conducted by police have been delineated.

13. Upon investigation, it has been found by the police that Pritpal Singh Sohal was indeed owner of land measuring 41 kanals 13 marlas situated in village Saproar, Tehsil Phagwara, District Kapurthala and that said Pritpal Singh Sohal had never come down to India from England ever since 2014. It was found that Jagbir Singh Sandhu contacted Gurdhian Singh as regards property and Gurdhian Singh further contacted Palwinder Singh and Kulwinder Singh and told them about the property. Said Palwinder Singh and Kulwinder Singh who had earlier been buying land with the money provided by Dr. Pankaj Kumar Verma for the purpose of investment and profit, spoke to Dr. Pankaj Kumar Verma regarding the property. They met Dr. Pankaj Kumar Verma in April, 2021 and allured him to buy the property in question while holding out representation that huge profit could be capitalized from the deal. Dr. Pankaj Kumar Verma was thus, asked to pay an amount of ₹ 2 crores.
14. The investigating agency further found that in the same very month i.e. in April, 2021 Dr. Pankaj Kumar Verma carried an amount of ₹ 50 lacs in cash and went alongwith Palwinder Singh and Kulwinder Singh in their car towards Ucha pind. While on the way, they met property dealer Gurdhian Singh and they all together went to meet Jagbir Singh Sandhu at Ucha pind where Palwinder Singh handed over the amount of ₹50 lacs of Dr. Pankaj Kumar Verma to Jagbir Singh Sandhu. Subsequently, after about a week, Palwinder Singh and Kulwinder Singh went to Ludhiana to meet Dr. Pankaj Kumar Verma who gave another amount of ₹ 50 lacs to Kulwinder Singh to be passed on to Jagbir Singh Sandhu.

15. On 19.4.2021, Palwinder Singh furnished details of four bank accounts to Dr. Pankaj Kumar Verma. While three accounts were of Palwinder Singh, the fourth one was in the name of Kulwinder Singh's father. An amount of ₹ 25 lacs each was credited in different accounts of Palwinder Singh and in the account of Kulwinder Singh's father namely Labh Singh by Dr. Pankaj Kumar Verma.
16. It further unfolded upon investigation that subsequently, upon credit of the said amounts in the bank accounts concerned, Palwinder Singh transferred an amount of ₹25 lacs in the bank account of Dr. Pankaj Kumar Verma and took 3 cheques bearing bearing no. 021876, 021877 and 021878 from Dr. Pankaj Kumar Verma. While 2 cheques were for an amount of ₹ 9 lacs each, the third was for an amount of ₹ 8.90 lacs. Though, at the time of issuance of cheques, the names of holder was not written but subsequently the name of Pritpal Singh Sohal was written and cheques were deposited in an account opened by accused in name of Pritpal Singh Sohal.
17. It was further found by the investigating agency that Palwinder Singh got incorporated particulars of three cheques i.e. cheque no. 044472, 044473 and 044474 issued from his bank account in Union Bank of India, Phagrwara in sale-deed in question. While two cheques were for ₹ 9 lacs, the third was for ₹ 8.90 lacs. Even, Jagbir Singh Sandhu got mentioned particulars of three of his cheques i.e. cheque no. 130745, 130746 and 130747 in the sale deed. Two of the said cheques were for ₹ 9 lacs each and third for ₹ 8.90 lacs. However, upon collecting the account statement of the bank account of Jagbir Singh Sandhu, it was found that cheque no. 130745

was never presented in the bank. Cheque No. 130746 was encashed by one Sukhdev Singh for an amount of ₹1,25,000/- and Cheque No. 130747 was encashed in the name of Gurdhian Singh for an amount of ₹ 2 lacs. In other words, no consideration amount was paid to any vendor – real or imposter.

18. It was further found that the bank account in the name of Pritpal Singh Sohal was opened by way of impersonation and the three cheques issued by Dr. Pankaj Kumar Verma i.e. Cheque no. 021876, 021877 and 021878 (2 cheques for ₹9 lacs and one for ₹8.90 lacs) were credited in the same i.e. total amounting to ₹26.90 lacs. Thereafter, the accused Jagbir Singh Sandhu transferred an amount of ₹ 12 lacs from the said account into the account of his maid servant Titri kumari which also had been opened by Jagbir Singh Sandhu himself.

19. The 3 cheques bearing No.044472, 044473, and 044474 issued by Palwinder Singh out of which 2 cheques of ₹9 lacs each and 1 cheque of ₹8,90,000/- were also got encashed. The said account in the name of Pritpal Singh Sohal was opened by Jagbir Singh Sandhu himself on 20.05.2021 by depositing ₹25,000/- when he and Manoj Kumar took along Sukhwinder Singh/fake Pritpal Singh and one unknown person. It is further the case of prosecution that later amount was withdrawn from the aforesaid bank account in the name of Pritpal Singh Sohal and was distributed among the accused. An amount of ₹9,90,000/- was transferred to the account of Manoj Kumar.

20. From the investigation conducted in the case, it is borne out that it is Sukhwinder Singh who had impersonated as Pritpal Singh Sohal and had appeared before the Court of Sub-Registrar for the purpose of execution of

the sale deeds pertaining to 41 kanals 13 marlas of land belonging to Pritpal Singh Sohal, as would be borne out from the photographs clicked at the time of registration of sale-deed but he cannot be said to be the beneficiary of the amount of ₹ 2 crores, which is alleged to have been paid by Dr. Pankaj Kumar Verma in respect of the land in question. Though, an amount of ₹50 lacs was credited in the bank account opened in the name of Pritpal Singh Sohal but the said amount is found to have been withdrawn by Jagbir Singh Sandhu and no amount is left in the account opened in the name of Pritpal Singh Sohal.

21. Apparently, it is Jagbir Singh Sandhu, Palwinder Singh and Kulwinder Singh who are the main beneficiaries of the amount received from Dr. Pankaj Kumar Verma, who is one of the vendees/purchasers as per the sale deed dated 20.5.2021 vide which 1/3rd of the land in question had been transferred in his name while another 1/3rd is in the name of Palwinder Singh and the remaining 1/3rd is in the name of Jagbir Singh Sandhu. The petitioner Sukhwinder Singh, though had impersonated as Pritpal Singh Sohal for the purpose of execution of the sale deed but he does not appear to be the main beneficiary. The main beneficiaries i.e. Jagbir Singh Sandhu, Palwinder Singh and Kulwinder Singh are still at large. Sukhwinder Singh has been behind bars since the last 10 months and is not stated to be involved in any other case. Challan already stands presented. Conclusion of trial is likely to consume substantial time as 24 prosecution witnesses have been cited and trial has not even commenced inasmuch as charges are yet to be framed.

22. In these circumstances, further detention of the petitioner Sukhwinder Singh will not serve any fruitful purpose and he is entitled to be released on bail.
23. As far as the petitioner Gurdhian Singh is concerned, he, no doubt is a property dealer and apparently was hands in gloves with the remaining co-accused. He also appears to have benefited to the extent of ₹ 2 lacs and is not the main beneficiary. The petitioner Harish Kumar Gupta is a scribe who had scribed the documents at the instance of the accused. It will be debatable as to whether he had knowledge about the criminal intent of the co-accused and as to whether he was also involved with them. Similarly, the complicity of the attesting witnesses John Sahib Nambardar and Vishal will also be debatable inasmuch as neither there is anything to show that they had benefited from the transaction or to suggest that they knew about the designs of the co-accused. In these circumstances, the aforesaid petitioners i.e. Gurdhian Singh, John Sahib Nambardar, Harish Kumar Gupta and Vishal also deserve the concession of bail, particularly keeping in view the fact that all of them have been behind bars since the last more than 9 months and conclusion of trial is likely to consume time as trial has not even commenced till date, though 24 prosecution witnesses has been cited.
24. All the petitions, as such are accepted and the petitioners Sukhwinder Singh @ Pritpal Singh, Gurdhian Singh, John Sahib, Harish Kumar Gupta and Vishal are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25. A photocopy of this order be placed on the file of connected cases.

11.7.2022
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No