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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 05.07.2023

1. CRM-M-5049-2023

Bhupinder Singh @ Papu

..... Petitioner

versus

State of Punjab

..... Respondent

2. CRM-M-20539-2023

Jagdish Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ashok Giri, Advocate
for the petitioner in CRM-M-5049-2023.

Mr. Tarun Dogra, Advocate with
Mr. Ashir Gulati Advocate and
Mr. Kartik Sharma, Advocate
for the petitioner in CRM-M-20539-2023.

Mr. Amit Shukla, AAG, Punjab.

Mr. Umaid Singh Mann, Advocate for
Mr. Y.S. Dhaliwal, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

By way of present judgment, I intend to dispose off above
said two petitions filed under Section 439 Cr.P.C. whereby the
petitioners are seeking regular bail in FIR No.95 dated 06.10.2022,
registered for the offences punishable under Sections 465, 466, 467,

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468, 471, 419, 420 and 120-B of IPC at Police Station City Morinda, District Rupnagar.

2. In FIR, it has been alleged as under:-

“Copy of statement, statement of Dharam Singh s/o Sarup Singh r/o Village Lakhnor P. S Sadar Kurali, District SAS Nagar aged about 70 years mobile number 8146132861, stated that I am resident of above mentioned address and am an agriculturist. I contacted with many dealers for purchasing land. I met Amandeep Singh s/o Kartar Singh r/o Ward No.7, Sundar Nagar Morinda District Rupnagar. I told him that I want to purchase 7 acres of land. He told me that there is a land of good quality situated at Village Ismailpur Tehsil Khanna District Ludhiana for sale. I discussed with Gurdeep Singh s/o Hakikat Singh of my village and Lakhvir Singh s/o Karamjit Singh residents of village Lakhnor P.S Sadar Kurali, District SAS Nagar. We three met Amandeep Singh who handed over to us janabandi of said property. Amandeep Singh took us to village Ismailpur. Amandeep Singh called Arashdeep Singh, Gurpreet Singh and Amandeep Singh at the spot and disclosed that said land belongs to them. Amandeep Singh told me to finalize deal of said land with them. Abovesaid owners of property said that this land is comprising 7 acres and they will sell this land @ Rs.45 lacs per acre but deal was finalized @ Rs.39 lacs per acre i.e. 7 acres for total Rs.2,73,00,000/-. Our deal was finalized on 14.09.2022 and on same day, we gave Rs.20 lacs cash in the presence of Gurdeep Singh s/o Hakikat Singh r/o village Lakhnor and Lakhvir Singh s/o Karamjit singh r/o village Lakhnor to

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Arashdeep Singh, Gurpreet Singh and Amandeep Singh all r/o Ward no.10, Anaj Mandi Kharar, District SAS Nagar at bypass Morinda. I asked them to purchase stamp papers so as to reduce agreement to sell in writing. Above said Arashdeep Singh, Gurpreet Singh and Amandeep Singh purchased stamp papers from Tehsil Kharar. All writing work was done at Morinda and agreement to sell was reduced into writing. Then I paid Rs.1.50,00,000/- in cash to them at Morinda and got affixed their signatures on agreement to sell. Three cheques bearing cheque no.251865 dated 14.09.2022, cheque no.251866 dated 14.09.2022, cheque no.251867 dated 14.09.2022 of Rs.10 lacs each of Gramin Bank were given to them which were incorporated in the agreement to sell. The date of execution of sale deed was fixed as 30.09.2022. Lateron I came to know that abovesaid four persons cheated me of Rs.1,70,00,000/- by showing property of other person by impersonating themselves as owner of said property by changing their names. Abovesaid persons had also given copies of their Aadhar Cards to me but I come to know that Aadhar Cards were also fake. I would produce photocopies of Aadhar Cards to you lateron. Now I have came to know real names of two persons as name of the Amandeep Singh is Jagdish Singh @ Dhisha r/o Bazigar Basti Kalheri P.S City Morinda and real name of Arashdeep Singh is Bhupinder Singh @ Pappu s/o Ajaib Singh r/o Village Dattarpur, P.S City Morinda. I can identify abovesaid persons if produced before me. I have paid Rs. 1,70,00,000/- to abovesaid persons by selling my 3 acres land situated at Village Lakhnor.

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I will produce record of abovesaid lateron. Abovesaid persons in connivance with each others, have committed cheating with me. Legal action be taken against them. I have got my statement recorded to you which has been readover to me and same has been accepted as correct. Sd/- Dharam Singh and Sd/- Gurdeep Singh s/o Hakikat Singh, village Lakhnor P.S Sadar Kurali, District SAS Nagar attested by Sd/- Gurcharan Singh ASI P.S. City Morinda dated 06.10.2022.”

3. Both the petitioners are accused of impersonation. Bhupinder Singh @ Papu is stated to have impersonated as owner and stated to have received huge amount of Rs.1,70,00,000/- in cash whereas Jagdish Kumar is stated to have impersonated as property dealer by the name of Amandeep Singh and is stated to have received commission of Rs.2 lakhs.

4. Counsels representing the petitioners would submit that the investigating already stands concluded and report under Section 173 Cr.P.C. stands filed. All the evidence against the petitioners is in form of documentary evidence and thus there is no occasion for the petitioners to influence the investigation in any manner. Bhupinder Singh @ Papu is stated to have been in custody since 12.10.2022 i.e. for more than 08 months and 25 days. Jagdish Kumar is behind bars since 21.03.2023 i.e. for more than 03 months and 14 days as of today. Counsels thus submit that the petitioners would be entitled to be released on bail as the custody cannot be allowed to continue as punitive measure.

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5. Mr. Mann appearing for the complainant as well as State counsel would submit that Bhupinder Singh @ Papu is a habitual offender and was nominated at different times in more than 03 cases for offence punishable under Section 420 IPC.
6. Having heard counsel for the parties and after going through the records of the case, without commenting on the merits of the case, this Court is of the considered opinion that the investigation already stands concluded and it cannot be said that the petitioners in any position to influence the same. The evidence on record is in the form of documentary evidence and thus the same cannot be tampered with. The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
8. A photocopy of this order be placed on the file of other connected case.

**(PANKAJ JAIN)
JUDGE**

05.07.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No