

209-3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36852-2023 (O&M)
Date of decision : 09.10.2023

Surinder Kumar Saggu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ajaivir Singh, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. S.S. Majithia, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.79, dated 27th of April, 2023, registered for offences punishable under Sections 452, 448, 511, 506, 148, 149, 380, 427 of the Indian Penal Code, 1860 at Police Station Sadar Ludhiana, District Ludhiana, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. The allegations in the FIR reads as under :

“Statement of Ranjit Kaur wife of Raghuvir Singh resident of 10/3 House No. 2, Satjot Nagar, Block A, PS Sadar Ludhiana, aged about 55 years (99156-65165) stated that I am a resident of the abovementioned address and a housewife. I have two sons. We have been living in House No. 2, Black A at Satjot Nagar alongwith family since about 15 years. We had purchased the said house from Harjit Singh resident of Janta Nagar, Gill Road,

Ludhiana. Today at about 10:30 AM, I was alone in the house. My husband and my sons had gone outside for some work. Then two women came holding registers in their hands. They called me and also rang the bell. I came to the gate then they asked me that have you taken corona injection? I replied yes, then they said that give us some water to drink. I was about to turn around then all of a sudden, 10/12 women and 15/20 men in possession of swords and sticks pushed me and twisted my arms and ousted me from the gate. I raised hues and cries. They snatched my phone also and loaded my household articles like 5 LCDs, 5 Laptops, 5 Lakh Rupees, 20/30 Kg Gold and other domestic articles on a tempo and sent the same outside. They stole the items lying in the almirahs like registries, important documents and forcibly took possession of my house and have gravely scuffled with me. They have also uninstalled the CCTV and DVR of my house. They issue life threats to me and my family. The said attackers were being led by Baninderjit Singh Grewal son of Bhagwant Singh resident of Lalto Kalan, Pritpal Singh son of Nirmal Singh resident of Kheri Jhameri, Gurmeet Kaur and Satnam Singh, Surinder Saggu. The said men and women have forcibly attacked over my house and have stolen my articles and misappropriate the same. Appropriate action be taken against the said persons. xxx"

3. The dispute relates to a property transaction. The complainant claims the same to be owned by her husband namely Raghuvir Singh who purchased the same from one Harjit Singh about 15 years back. It has been claimed that they are living in the said house. The accused on the other hand alleged that the property was in fact never sold to Harjit Singh but he is in possession of the property on the strength of an agreement to sell. It is claimed that there is a civil dispute between the parties and Surinder Kumar Saggu the present petitioner who is a colonizer sold the plot in question to

one of the co-accused namely Gurmeet Kaur on 7th of February, 2019 through registered sale deed. It is further claimed that Gurmeet Kaur being lawful owner of the house in question sold the same to co-accused Baninderjit Singh Grewal.

4. Counsel for the petitioner has tried to submit that the dispute is purely of civil nature and has been given criminal colour. It has been further claimed that mere presence of the petitioner on the spot does not inculcate him as he also lives in the same vicinity.

5. Per contra State Counsel as well as counsel for the complainant have submitted that whole of the incident was captured in the CCTV footage wherein it can be seen as to how in the broad daylight an attempt was made to dispossess the complainant from the property in question by a group of persons including the present petitioner who in fact is the root of whole of the dispute as he is the one who carved out the colony and made illegal transactions.

6. Having heard rival contentions, this Court finds that it is not a case for grant of pre-arrest bail.

7. Petitioner cannot dispute the fact that when he executed sale deed in favour of accused on 7th of February, 2019 possession was not delivered yet in the sale deed the petitioner represented that the possession on the spot is being handed-over to the transferee. Rather the covenant was that the property was free from all encumbrances and the same was neither sold nor mortgaged earlier with anyone.

8. Counsel for the petitioner is not in position to dispute the aforesaid facts. Thus, it is a case wherein the petitioner a colonizer made an attempt to sold a property by executing a false covenant that the possession has been delivered though he himself was not in possession. Later on an attempt was made by way of present occurrence to convert said false covenant as true by dispossessing the complainant. Exponential increase in the properties has led to a separate class of offence wherein scammers create fake land titles, forged sale deeds and manipulate land records to show false ownership, false possession and encumbrance-free status of the properties. Organized crime networks plan and execute the aforesaid illegal activities resorting to intimidation and threats to force vulnerable individuals to vacate their properties. There may be a civil dispute between the parties w.r.t. title and possession however, counsel for the petitioner has not been able to point out as to how the petitioner was in his right to dispossess the complainant and her family.

9. In view of aforesaid fact this Court does not find it to be a case which would warrant this Court to exercise its jurisdiction to grant discretionary relief of pre-arrest bail to the petitioner.

10. Resultantly, the present petition is dismissed.

October 09, 2023

Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No