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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42337-2023 (O&M)

Date of decision:01.09.2023

Jaspreet Singh alias JP

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. Gursimran Singh Madaan, Advocate  
for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

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**ARUN MONGA, J. (ORAL)**

After being declined bail by learned trial Court, petitioner before this Court, seeks his release as an undertrial in a case bearing FIR No.133 dated 05.07.2023, registered under Sections 201, 380, 420, 465, 467, 468, 471, 472, 120-B of the Indian Penal Code, 1860 (for short 'IPC') at Police Station, Navi Baradari, Jalandhar.

2. Per prosecution version, one Mohinder Singh Sahota purchased Plot No. 1273, measuring 262.5 sq. yards, in Urban Estate, Phase-I, Jalandhar, via Sale Deed No. 7213 dated 19.03.1987. The complainant constructed a house on this plot. However, one Hazara Ram, using a forged power of attorney, executed a sale deed on 16.07.2020 in favor of Jasvir Singh and Harpreet Kaur. Subsequently, Hazara Singh, Jasvir Singh Nahal, and Harpreet Kaur conspired with PUDA to further sell the property and executed a sale deed on 24.09.2020 in favor of Tarlochan Singh and Manjit Kaur. All the accused intended to usurp the complainant's property based on forged documents.

2.1. In the course of the investigation, Tarlochan Singh, the vendee, gave a disclosure statement dated 05.07.2023, revealing that he is a property dealer, along with his son Narinderjit Singh, also known as Happy. The petitioner, Jaspreet Singh, alias JP, and co-accused Kuldip Singh were known to him. Kuldip Singh used to

assist them in preparing documents from the PUDA office. Tarlochan Singh approached Kuldeep Singh and the petitioner to find a significant property to earn a substantial profit. Kuldeep Singh mentioned that a property with House No. 1873, in the name of Mohinder Pal, was located in Urban Estate, Phase-I, Jalandhar, and suggested that they could earn a good profit by preparing documents for it. Consequently, they forged a power of attorney in the name of Hazara Ram from Mohinder Singh. Following this, the first sale deed was executed in the name of Harpreet Kaur, who is the sister-in-law of Kuldeep Singh, as well as Jasbir Singh, an acquaintance of petitioner Jaspreet Singh. Later, Tarlochan Singh had a sale deed executed in his name and in the name of his wife. Once again, the petitioner and Kuldeep Singh entered into an agreement to sell the aforementioned house, for which a No Objection Certificate (NOC) was required and was to be arranged by Kuldeep Singh. An FIR was registered. Petitioner was arrested on 05.07.2023 and is in custody ever since.

3. Learned counsel for the petitioner submits petitioner has been nominated on the basis of disclosure statement of one Kuldeep Singh who is alleged to have entered into agreement to sell the property in question. Petitioner is neither a signatory to any of the documents in question nor has been found to have received any monetary benefit of the sale transaction.

3.1. He further submits that co-accused Manjit Kaur and Tarlochan Singh were granted bail by this Court vide order dated 04.08.2023(Annexure P-2) passed in CRM-M-36997-2023. He argues that, in any case, it is categorically clear that the entire dispute is purely civil in nature.

3.2 He further submits that petitioner has been falsely implicated. No alleged offence is made out. Petitioner is thus totally innocent. He further submits that nothing is to be recovered from the petitioner. No useful purpose would be served to keep the petitioner behind the bars to await the decision of trial of the case.

4. On the other hand, learned State counsel opposes the bail petition. He submits that petitioner has committed a serious offence by cheating/defrauding the complainant along with other accused. He further contends that if release on bail, he might tamper with evidence or influence/intimidate with witnesses and also flee from the trial. He submits that another case registered under Sections 365, 354, 506, 120-B/511 IPC is also pending against the petitioner. However, he is on bail in the above said case.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, under instructions from SI Suresh Kumar, learned State counsel submits that challan is in final stages of preparation and will be presented soon. Allegations against petitioner are a matter of trial at this stage. Commencement/conclusion of the trial is likely to take quite sometime. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas petitioner has already been in custody for the last more than 01 month and 26 days, being behind bars since 05.07.2023.

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

8. Be that as it may, prima facie, it appears to be civil dispute between the parties. Alleged offence is of non-violent nature and in that sense petitioner's release on bail is not a threat to society at large.

9. Petitioner is stated to be 34-year old family person. He runs a grocery shop. Owing to his incarceration, he has already suffered major losses in his business and his family is living in sheer penury in his absence. He is the sole breadwinner of his family. Being person with family responsibilities and fixed abode, he poses no flight risk and is not a threat to society in any way.

10. Co-accused Manjit Kaur and Tarlochan Singh have already been accorded concession of bail.
11. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.
12. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned *Illaqa* Magistrate/Duty Magistrate, as the case may be.
13. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.
14. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.
15. Pending application(s), if any, shall also stand disposed of.

( ARUN MONGA )  
JUDGE

01.09.2023  
vandana

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |