

101

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52930-2023 (O&M)

Date of Decision: 18.10.2023

Amrik Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Manuj Nagrath, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.84 dated 11.08.2023 registered for offence punishable under Sections 177, 420, 120-B IPC at Police Station Dehlon, District Ludhiana, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. As per the allegations levelled in the FIR it has been alleged as under:-

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Today, a complaint bearing PGD No. 121362, Complaint No.117746 dated 25.02.2023 on behalf of Baljit Kaur w/o Ranjit Singh d/o Ginder Singh @ Surinder Singh, r/o Village Khanpur, District Ludhiana after conducting enquiry by senior officers, after obtaining opinion of DA Legal and order of Hon'ble Commissioner of Police, Ludhiana was received at police station by DAK for registration of FIR,

contents of which are as under:- "To the Hon'ble Commissioner of Police, Ludhiana, Punjab.

Subject:- Complaint against 1) Gurdeep Kaur w/o Puran Singh d/o Ginder Singh @ Surinder Singh, r/o Village Pakhowal, District Ludhiana

(Aadhaar No.333050892972), 2) Amrik Singh, Nambardar, Village Beela, District Ludhiana, 3) Patwari of Village Beela, District Ludhiana, who in connivance with each other prepared a false and forged Kursinama, by tendering false affidavit, by getting entered due share of complainant in ancestral land by way of mutation No.5232, sold the same further and thus, appropriate legal proceeding may kindly be initiated for grabbing the claim of complainant and for committing fraud upon her. Sir, I, Baljit Kaur w/o Ranjit Singh d/o Ginder Singh @ Surinder Singh am resident of Village Khanpur, District Ludhiana. I respectfully submit before you as under:- 1) That I am peace loving and law abiding citizen of India. 2) That my father Ginder Singh @ Surinder Singh was owner in possession of land measuring 16-17 Biswa, comprised in Khata No.479, 320/11787 share, Khasra No.5047/1, 5047/2, situated at Village Dollo Kalan, District Ludhiana. My father Ginder Singh @ Surinder Singh has two daughters, one is me and another is accused No.1. My father suddenly died on 23.12.1999 and my grandmother had already died. Copy of death certificate is enclosed herewith. 3) That after the death of my father, there were three heirs of my father i.e. my mother Sukhdev Kaur, me and accused No. 1. My mother also died on 08.08.2018. Thereafter, two heirs remained of entire aforesaid property i.e. me and my sister accused No.1. Copy of death certificate is enclosed herewith. 4) That accused No.1 came under greed and in connivance with remaining accused got the

mutation of inheritance entered alone in her name. In the affidavit and Kursinama submitted by accused No. 1 before the Patwari, she has stated therein that above said Ginder Singh @ Surinder Singh does not have any other legal heir except Gurdeep Kaur, whereas accused No.1 knew very well about me. But all said accused with intention to deprive me from my rights, by coming under greed wrongly entered mutation of inheritance of said property in the name of accused No. 1 and grabbed my due share. 5) That when I approached accused No. 1 and 2 and enquired on the said matter, they started threatening me that what they wanted to do, they have done it, so do whatever you want. Now, said accused has executed registry of said property in favour of her some relative. Accused by conniving with each other have committed fraud upon me and grabbed my property and further, they have tendered false affidavit and Kursinama. Therefore, through this complaint, it is requested that accused in connivance with each other, by preparing false and forged affidavit and Kursinama and by getting entered due share of complainant in ancestral land by way of mutation No.5232, sold the same further and thus, appropriate legal proceeding may kindly be initiated for grabbing the claim of complainant and for committing fraud upon her. Thanking you. Complainant. Sd/- Baljit Kaur w/o Ranjit Singh d/o Ginder Singh @ Surinder Singh, r/o Village Khanpur, District Ludhiana, mobile No.9815817835 dated 23.02.2023. Enquiry on said complaint was conducted by ASI Jagtar Singh, EO Wing, Ludhiana, who held in his enquiry report that, "During enquiry, on perusal of statements and record produced by both the parties, it was found that complainant Baljit Kaur and opposite party Gurdeep Kaur are real sisters. Complainant Baljit Kaur

solemnized her marriage with her own wishes with Ranjit Singh, r/o Village Khanpur. Marriage of complainant's sister Gurdeep Kaur i.e. opposite party was solemnized with Puran Singh, r/o Village Pakhowal and now, she is living in Canada alongwith her family. Complainant's father Surinder Singh died on 23.12.1999, whereas mother Sukhdev Kaur died on 08.08.2018. As the complainant does not have any brother, therefore after the death of complainant's father Surinder Singh on 23.12.1999, ancestral land in Village Beela measuring 6 Killa entered in the name of complainant, her mother and opposite party Gurdeep Kaur being 2/2 Killa and thus, they became owner. Complainant had already sold 2 Killa land long time ago. Complainant's mother died on 08.08.2018, who during her lifetime by disowning complainant from her moveable and immoveable property, executed a Will in the name of her second daughter Gurdeep Kaur. In this regard, copies of Will and newspaper cutting dated 21.06.2001, whereby . disowning complainant from the property, Will was executed in favour of opposite party Gurdeep Kaur, are enclosed with the complaint. In the year 2020, Gurdeep Kaur by submitting affidavit got attested Kursinama from Nambardar Amrik Singh s/o Sajjan Singh, r/o Village Beela, Ludhiana and further, by declaring herself alone heir got the mutation of land measuring 16 Biswa situated in Village Dollo Kalan entered in her name. Affidavit and statement of Nambardar are enclosed with the complaint. Nambardar Amrik Singh is retired from Food & Supp/y Department being Accounts Officer on 31.01.2016, who attested the said Kursinama on the basis of copy of disowning notice of complainant and copy of Will shown by opposite party Gurdeep Kaur. No fact

has come out regarding his connivance. It is worthwhile to mention here that opposite party Gurdeep Kaur's husband Puran Singh has stated that he is still ready to give due share of 8 Biswa out of the property in dispute measuring 16 Biswa or the market value of the due share of land. But the complainant is adamant to initiate legal proceeding against the opposite party i.e. her sister Gurdeep Kaur and Nambardar Amrik Singh.

xxxx xxxx xxxx”

3. Petitioner was working as Nambardar/Headman of the village and was thus aware of families in the village. He verified the wrong pedigree table/Kursinama. It is alleged that petitioner has extraneous reasons to attest the Kursinama which admittedly was against the facts. The complainant who is also one of the legal heirs being sister of the beneficiary was deliberately left out showing the beneficiary as sole legal heir.

4. After considering rival contentions raised by counsels representing the parties, this Court finds that keeping in view the seriousness of allegations levelled against the petitioner, it is not a case where this Court should exercise extraordinary power to grant pre-arrest bail to the petitioner in view of law laid down in ***Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565***, wherein the Apex Court has held that :-

“xxxx xxxx xxxx

That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail.

The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail.
xxxx xxxx xxxx”
(emphasis supplied)

5. Likewise while reiterating the law laid down in Gurbaksh Singh Sibbia's case (supra), the Apex Court in ***Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1*** has held that :-

“xxxx xxxx xxxx
(4) Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it.
xxxx xxxx xxxx”

6. In view of the aforesaid circumstances, this does not appear to be a fit case to grant discretionary relief of anticipatory bail to the petitioner.
7. Petition is dismissed.
8. Needless to say, nothing recorded herein above should be construed as expression on merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

(PANKAJ JAIN)
JUDGE

October 18, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No