

CRM-M-55062-2023 (O & M)
225

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55062-2023 (O & M)
Date of decision: 09.11.2023

Sukhwinder Singh Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Yaseen Sethi, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.96 dated 01.06.2022 under Sections 419/420/120-B/465/467/468 and 471 IPC registered at Police Station Sadar Ludhiana, Tehsil and District Ludhiana.

2. The contents of the present FIR read as under:-

“12. Contents of the FIR:

Today, a complaint bearing U.I.D. no. 2177963, Dated: 26.10.21 received via post from the complainant Sandeep Singh Mankoo s/o Ravinder Singh Mankoo R/O House No. 24, Basant Vihar, C G Road, near Basant Cinema, Chambur, Mumbai-400074, Aadhar card no.727570733199. The complaint is as follows: To, Joint Commissioner, Subject: Complaint against 1. Amarjeet Singh S/o Sardara Singh S/o Sh. Sudh Singh R/O Samrala, Tehsil Samrala Distt. Ludhiana. 2. Mohan Singh S/o Amar Singh R/o House No. B-1- 229, Main Road Malerkotla, Dist. Sangrur. (477). 3. Jatinder Pal S/O Ganga Prasad S/O Sh. Lalit Prasad R/O

House No. 64, Street No. 02, Master Colony, Kuleyawal, Ludhiana. 4. Baljeet Singh S/O Kundan Singh S/O Roda Singh R/O House No. 79, B Canal View Enclave, near Lohara Pul, Ludhiana. Mobile No. 98153-00642. 5. Bhupinder Singh Numberdar Samrala, Tehsil Samrala, Dist. Ludhiana. 6. Amarjeet Singh S/O Karnail Singh R/O Samrala, Dist. Ludhiana. 7. Rajan Kumar Sharma Document writer, Civil Court Samrala, Dist. Ludhiana. 8. Mangat Singh Numberdar Village Jaspal Bangar, Ludhiana. 9. Ramesh Kumar S/O Mahinder Kumar R/O Durga Mandir, Samrala, Dist. Ludhiana. 10. Surender Kumar S/O Bhajan Singh R/O village Hariyu Kalan, Samrala, Dist. Ludhiana. 11. Sukhvinder Singh S/O Savran Singh R/O House No. 10192, Street No. 08, Bhagwan Chowk, Janta Nagar, Ludhiana. 12. Inderjeet Singh S/O Gurdev Singh S/O Kartar Singh R/O Hosue No. 1277, Janta Nagar, Ludhiana. 13. Unknown person who impersonated Sandeep Singh Matkoo, and who further prepared forged documents and used them, whereabouts of whom are known to the other accused. 14. Ashvini Jolly Advocate, District Court, Ludhiana. (Regarding the drafting of registry) 15. Manmohan Singh Advocate, Enrolment No. P/976/90, District Court, Ludhiana. (Regarding the drafting of registry). Regarding the complaint against the above mentioned accused, who, in connivance with each other and revenue officers, further, in order to commit fraud against the complainant, have prepared forged and fabricated documents and put one impersonator impersonating the complainant, selling off the property, and further tried to grab my property which is plot no. 59A, measuring 457,33 sq. yd. situated at canal view, Ludhiana, which was purchased by the complainant from Janta estate and housing development Ltd. Vide sale deed no. 14788 dated 07.01.2002. Sir, it is submitted that the complainant Sandeep Singh Matkoo S/o Harbinder Singh Matkoo resident in possession of H. No. 24, Basant Vihar, CG road, near Basant cinema, Chamboor, Mumbai, 400074. 1) That my plot No. 59 A measuring 457,33 sq. yd. situated at canal view, Ludhiana which was

purchased by the complainant from Janta estate and housing development ltd. Vide sale deed no. 14788 dated 07.01.2002, after purchasing the property and further getting the possession letter from managing director, I have laid the foundation of the plot and since then I am in the possession of the property. 2) That during the same time Plot 58A was purchased by my father Harbinder Singh Matkoo son of Gurnam Singh Matkoo which is adjacent to my plot. That since purchase, both the plots were taken care by our relative Shri Sukhdyal Singh son Shri Rattan. Singh r/o House no 2508, Phase 1, Dugri, Ludhiana. 3) That few days ago, Shri Sukhdyal Singh telephonically told us that one impersonator is claiming ownership of your property. Me and my father after knowing the above fact visited Ludhiana and afterwards, we along with Sukhdyal Singh visited the office of Janta Estate and housing development Ltd, which is situated at Canal View and thereafter we collected the information regarding the above mentioned accused and further collected some documents. 4) That the accused no 1 in convenience with other accused prepared one forged General Power of attorney in my name where my name was not mentioned correctly and further mentioned my wrong address as House no 137, Ward No.11, Samrala Tehsil Samrala, District Ludhiana and further a wrong ID proof/ Aadhar Card was prepared in my name and some other person was planted in my name and a forge GPA with a intention of committing fraud was registered in their favour vide vasika no. 112 dated _____ registered before sub registrar Samrala, District Ludhiana. That in this GPA my plot no 12-10-2010 was nowhere mentioned and further the dimensions of the plot and the colony was also missing, and further my Mumbai address was also incomplete. They, in convivence with the concerned revenue officer have procured the records and further with the help of which they have prepared the forged GPA. That till date, I have never appointed anybody as my GPA in order to sell my plot. That on 12.10.2010 I was present in Mumbai. In this GPA accused no. 5 and accused no.

6 have given forged statements and identified wrong person. 5) That there after accused no 1 Amarjeet Singh have used one forged and fabricated GPA bearing wasika no 112/10 tehsil Samrala, District Ludhiana, have transferred a forged sale deed bearing wasika no 71642 dated 28.10.2010 to accused no 2 Mohan. Singh which was done with the intention of committing fraud and to further utilize the plot. themselves. It is pertinent to mention here that accused no 1 has mentioned my plot no/rakba and details of the plot in the sale deed however it nowhere mentioned any plot no/rakba and details in the forged GPA. From the sale deed it is also came to know that accused no 1 and accused no 2 had no monetary transactions between them. In this sale deed accused no 8 Mangat Singh Numberdar Village Jaspal Bangar, Ludhiana and accused no 9 Ramesh Kumar Numberdar have given false statements this forged sale deed has been drafted by Ashwani Jolly. All of them in connivence with each other have prepared this forged sale deed. That accused no 1 Amarjeet Singh in connivence with other accused in order to utilize the plot themselves have prepared one more sale deed bearing wasika number 10952 dated 15.03.2018 and transfer it to accused no 3 Jatinderpal and accused no 4 Baljeet Singh in this sale deed accused no 8 Mangat Singh Numberdar and accused no 10 Surinderpal have given their false statement. In this sale deed also, the accused have provided my incomplete address. It is also pertinent to mention here that the accused no I have prepared my forged GPA in connivance with other accused and prepared two sale deed in the name of different person, accused no 2, 3 and 4 which clearly shows the fraud being committed by them. 7) That on further inquiry I came to know that with regard to plot, the accused no 11, accused no 12 and accused no 2 on the basis of the forged documents have also filled a false case before the hon'ble court against me, so that they may capture my plot. 8) That the accused no 1,2,5,6 vide wasika no. 112 dated have planted a false person and along with the accused no. 13 have prepared the

false GPA dated 12.10.2010 and planted some other person on my name and further prepared forged GPA and on the basis of that further prepared forged sale deed and with the intention of capturing the plot have further registered false cases 9) That I declare that Shri Sukhdyan Singh son of Singh r/o 2508, Phase 1, Dugri, Ludhiana will peruse the complaint and will also give statement on my behalf. 10) That both the forged sale deed prepared by the accused bearing wasika no 71642 dated 28.10.2010 and wasika no 10252 dated 15.03.2018 has been sanctioned mutation in connivance with the revenue officers vide number 2367 dated 26.11.2010 and mutation no 3032 dated 26.03.2018 which were transferred by accused no 1 to accused no 2 and the second sale deed was transferred to accused no 3 and 4. So, I request you that the plot no 59A, measuring 457,33 sq, yards, situated at Canal View Enclave, Ludhiana which was purchased by the complainant from Janta Estate and House Development Ltd vide wasika no 14788 dated 07.01.2002, the above mentioned accused in connivance with each other and with the intention of committing fraud along with the revenue officers have prepared forged documents and planted one impersonator in the name of complainant and further selling of the property by preparing forge documents, capturing my plot a case be registered against them u/s 419, 420, 465, 467, 468, 471, 34, 120-B IPC and further if any other section is applicable be applied and FIR be registered against them and I be provided justice. Thanking you. Sd/- Sandeep Singh. Sandeep Singh Mankoo s/o Ravinder Singh Mankoo R/O House No. 24, Basant Vihar, C G Road, near Basant Cinema, Chambur, Mumbai- 400074, Aadhar card no. 727570733199.via -sd/- Sukhdayal Singh Sukhdayal Singh S/O Ratan Singh R/O 2508, Phase 1, Dugri, Ludhiana. Mobilé no. 98140-20325”.

3. The learned counsel for the petitioner contends that the owner

of the land was Sandeep Singh-complainant who had purchased the same

CRM-M-55062-2023 (O & M)
225

::6::

from Janta Estate and Housing Development Ltd. on 07.01.2022. Thereafter, as per the allegations one Amarjeet Singh had forged the General Power of Attorney of the complainant and had executed a sale deed thrice, firstly, in favour of Mohan Singh, thereafter, in favour of Jagjit Singh and then in favour of Jatinder Pal Singh and Baljit Singh. The said Mohan Singh had given a power of attorney to one Inderjit Singh on 09.05.2011 and on the basis of the said power of attorney, Inderjit Singh had entered into an agreement to sell on 29.11.2021 in favour of Sukhwinder Singh (petitioner). The co-accused, namely, Inderjit Singh had been granted the concession of interim anticipatory bail vide order dated 19.10.2023 passed in CRM-M-53351-2023, co-accused/Jagjit Singh had been granted the concession of anticipatory bail vide order dated 14.02.2023 passed in CRM-M-34163-2022 whereas co-accused/Amarjeet Singh had been granted the concession of regular bail vide order dated 01.10.2022 passed by the Additional Sessions Judge, Ludhiana. He contends that as the petitioner was similarly situated to Inderjit Singh and Jagjit Singh and as he was in custody since 29.09.2023, he was entitled to the concession of regular bail.

4. The learned counsel for the State, on the other hand, does not dispute the facts as narrated above. She, however, concedes that as the investigation is still pending, the petitioner was not entitled to the grant of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, Amarjeet Singh has been granted the concession of regular bail. Similarly situated co-accused, namely, Inderjit Singh and Jagjit Singh have been granted the concession of either interim anticipatory bail or anticipatory bail. The relevant documents are in custody of the investigating agency. The petitioner is stated to be in custody since 29.09.2023. He does

CRM-M-55062-2023 (O & M)
225

::7::

not have any criminal antecedents. Therefore, his further incarceration is not required, moreso, as the case is triable by the Court of a Magistrate.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sukhwinder Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

November 09, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No