

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.2816 of 2024 (O&M)

Kanwaljit Singh
... Petitioner
Versus
State of Punjab
... Respondent

2. CRM-M No.3193 of 2024 (O&M)

Ajit Watts
... Petitioner
Versus
State of Punjab
... Respondent

3. CRM-M No.4870 of 2024 (O&M)

Charanjit Singh
... Petitioner
Versus
State of Punjab
... Respondent

Date of decision: 28th February, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. H.P.S. Rahi, Mr. Ravi Sharma,
Advocates for the petitioners.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.
Mr. Harpreet S. Multani, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in all the three petitions detailed hereinabove
are seeking the concession of bail under Section 438 Cr.P.C. in case FIR
No.0147 dated 30.12.2023 under Sections 406, 420, 120-B of the IPC
registered at Police Station Mullanpur, District SAS Nagar. Since all

these petitions arise out of the same FIR, they are being taken up together for disposal by way of this common order.

2. It has been inter alia contended by learned counsel for the petitioner Ajit Watts that he has been falsely implicated in the present case, which essentially is a civil dispute between the parties. He has further submitted that the entire dispute emanates from one Memo Of Understanding (MOU) entered into by the complainant qua providing the complainant 52 acres of land in village Shingariwala (hereinafter referred to as, 'the property in question'). While drawing the attention of this Court to the MOU (Annexure P-4), it has been further submitted that a perusal of the same reveals that admittedly the petitioner had no concern either with the MOU nor was he a party to the alleged agreement to sell in question; the petitioner was not even a beneficiary of the alleged transaction, which took place between the complainant and the other accused; the only allegations, if any, leveled against the petitioner were to the effect that he was present when a part of the sale consideration, pertaining to the agreement to sell in respect of the property in question, was handed over to one of the co-accused. Learned counsel has thus, asserted that this would in no manner show his connivance in the crime in question, much less attract the ingredients of the mischief of offence under Section 420 of the IPC against him. Furthermore, it has been argued that no bank account statement or receipt was on record to demonstrate that the complainant actually paid a part of the alleged sale

consideration in the sum of ₹ 85.00 lacs. It has been further urged that since all the alleged offences are triable by Magistrate and no recovery is required to be effected from the petitioner, his custodial interrogation would not be required, for which he deserves to be extended the concession of anticipatory bail.

3. Learned counsel appearing for petitioner Kanwaljit Singh has contended that he too has been falsely implicated in the instant case. There is no evidence to suggest that he received any amount much less part of the sale consideration from the complainant or made any promise regarding the property in question to the complainant; the sole allegation against him is of witnessing the complainant handing over part of the sale consideration to the co-accused. Additionally, it has been submitted that the petitioner did not even have any concern with the MOU which was concededly entered into between the complainant and the co-accused; being a Govt. servant at the time of the alleged crime, he could not have in any manner participated in the crime in question. Learned counsel has also asserted that no recovery is required to be effected from him and hence, his custodial interrogation would also not be required.

4. Learned counsel for petitioner Charanjit Singh has also asserted that he too has been falsely implicated in the present case. The complainant in fact is indulging in arm twisting tactics to settle a civil dispute related to the property in question. Learned counsel has still further argued that even otherwise at the first instance, the complainant

did not even have any locus to register the FIR in question as the alleged MOU had been entered into between the complainant and one M/s Svasa Residency; it was the complainant in fact who had failed to fulfill his contractual obligations outlined in the MOU. Additionally, the complainant did not even give the full sale consideration as agreed upon between the parties which clearly indicated that the case against the petitioner was totally baseless and intended to resolve a civil matter through criminal proceedings. Learned counsel has lastly submitted that Hon'ble the Supreme Court has repeatedly cautioned that criminal proceedings should not become a forum to settle civil disputes. Learned counsel has also drawn the attention of this Court to the observations made by the learned trial Court, while denying him the concession of anticipatory bail that the complainant had violated the provisions of the Income Tax Act by indulging in huge cash transactions.

5. Per contra, learned State counsel, assisted by the learned counsel appearing on behalf of the complainant, have vehemently opposed and controverted the prayer and submissions made by the learned counsel for the petitioners. It has been argued that all the accused including the petitioners, in furtherance of a well planned criminal conspiracy, defrauded the complainant of a colossal sum exceeding ₹4.00 crores. While petitioner Ajit Watts initially enticed and persuaded the complainant to enter into the MOU with co-accused, he could not now turn around and say that he was not a beneficiary or he had no role to

play in the crime in question. Learned State counsel have further submitted that petitioner Ajit Watts was a business partner of co-accused Talwinder Singh Kahlon and had also benefited from the defrauded amount. Regarding petitioner Kanwaljit Singh, it has been submitted that he actively participated in the entire transaction but intentionally avoided being a party to the MOU by claiming to be a Govt. official. Additionally, petitioner Charanjit Singh admitted during an enquiry that the sale amount obtained from the complainant had been deposited by him into his and his wife's bank accounts. It has strenuously been contended by the learned counsel that given the manner, in which the accused had defrauded the complainant of crores of rupees, they did not deserve the concession of anticipatory bail.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. There are grave and specific allegations leveled against the petitioners of hatching a criminal conspiracy to dupe the complainant of a huge sum of money on the pretext of selling him the property in question. Allegedly, petitioner Ajit Watts in connivance with the other accused, orchestrated a plan to defraud the complainant (M/s Svasa Residency) of a huge amount exceeding ₹4.00 crores. The petitioner Ajit Watts along with co-accused Talwinder Singh Kahlon and others convinced and assured the complainant of their ability to procure land for a housing project. It was petitioner Ajit Watts, who facilitated introductions to co-

accused/petitioner Kanwaljit Singh and Talwinder Singh Kahlon, who claimed to have expertise in such property transactions. An MOU was executed between the firm of the complainant and co-accused Talwinder Singh Kahlon, with petitioner Ajit Watts and others being present at the relevant time as witnesses. Subsequently, cash payments totaling ₹21.00 lacs and ₹1.05 crores were made to petitioner Charanjit Singh and his wife Rajpal Kaur, in the presence of petitioner Ajit Watts. Additionally, further cash payments were also made, and money was then transferred into the bank account of petitioner Charanjit Singh. Despite receiving substantial payments, the accused failed to provide the promised land much less the necessary documentation, and thereafter, cut off all communications with the complainant. Allegedly, the accused conspired to deceive the complainant and then misappropriated the money for personal gains, and on top of it all petitioner Charanjit Singh and his wife Rajpal Kaur sold their land to another Developer.

8. It would not be out of place to observe that these kind of land scams are on the rise where innocent persons are being fleeced of their hard earned money on the pretext of buying/selling land at prime locations in the tricity, which is without doubt a matter of serious concern. In the light of the serious and specific allegations leveled against the petitioners and the role played by them, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioners and concurs with the prayer made by the learned State counsel

that the custodial interrogation of the petitioners would be necessitated in the instant case so as to uncover this land scam.

- 9. All the three petitions stand dismissed.
- 10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
- 11. The CM applications, if any pending, also stand disposed of.

(MANJARI NEHRU KAUL)
JUDGE

February 28, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No