

2024:PHHC:111252



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-4803 of 2024
Date of Decision: 30.07.2024

Simran Singh Bedi		...Petitioner
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ashok Giri, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. S.S. Bhinder, Advocate with
Ms. Indira, Advocate,
Mr. K.M.Garg, Advocate and
Mr. Ferry Sofat, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.1 dated 05.01.2024 registered under Sections 420, 465, 467, 468, 471, 448 and 120-B IPC at Police Station NRI, District SAS Nagar, Mohali.
2. The FIR in the present case has been got registered on the basis of complaint submitted by Assa Singh Sandhu, a Non

Resident Indian, aged about 82 years to the DGP NRI Wing Punjab Police. The FIR has been reproduced below:-

“FIR No.01 dated 05.01.2024 u/s 420, 465, 467, 468, 471, 448 and 120-B IPC 1860, P.S NRI, District SAS Nagar. Order No.477/Nodal Desk-05/N.R.I Wing dated 04.01.2024 alongwith documents sent from the office of Worthy DGP NRI Wing Punjab has been received through post. According to which Assa Singh Sandhu s/o Tehal Singh r/o village Baghthala District Kurukshetra, Haryana presently resident of USA moved a complaint U.I.D No.2402874 dated 26.09.2023 to DGP NRI Wing Punjab, brief of which is as, "To the DGP NRI Wing Punjab, Chandigarh. Subject: Complaint against Bhupinder Singh Sandhu r/o H.No.1431 Phase-10 Mohali for not returning my Kothi No.1978 Phase-10 Mohali, 30 tollas Pan Card gold Jewellery, 9000 American dollar, Passport, Green Card, Aadhar Card, etc. which were forcibly possessed by him. Respected Sir, it is submitted that I Assa Singh Sandhu aged about 81 years senior citizen, am permanent resident of America, (Green Card Holder). On 10.01.2020, I came to India for selling my 4 plots situated in city at Bathinda. My real nephew Bhupinder Singh Sandhu took me from Delhi Airport to his house at Mohali and assured me for selling my property at Bathinda in higher price. My nephew sold my property at Bathinda for about Rs.2.5 crore. Some amount out of abovesaid amount, was received in bank and some in cash. My entire life income/savings Rs.1.57 crore in shape of FD, was deposited in my Indian Overseas Bank. My nephew

Bhupinder Singh Sandhu was also aware regarding my entire money. I had to send my entire money to my children at America, but my nephew became dishonest and made me to purchase Kothi No.1978 at Phase-10, Mohali by threatening me as he wanted to occupy my house/kothi. After about 2 years, my nephew house arrested me and started torturing me. He got my signatures affixed on self cheque on gun point and withdrew money many a times. He got his mobile number attached with my bank account. My nephew had all the information of my bank account. I was kept under the surveillance of camera every time. I could not meet any relatives nor could use mobile phone. I sent a message to my nephew Harjit Singh through my relative that I was in trouble and these persons can kill me therefore you come at the earliest and take me from here. My nephew (Bhanja) Harjit Singh took me from there with him. Now I am homeless. Therefore possession of my Kothi No.1978 Phase-10, Mohali be given back to me which was illegally possessed by my nephew Bhupinder Singh Sandhu. I would be thankful to you. Your obediently, Sd/- Assa Singh Sandhu mobile 76528-16073 presently residing with Sh.Harjit Singh, 94165-65503 r/o Village Bagthala District Kurukshetra, Haryana. Above said complaint was inquired by SHO. It has been found from inquiry that complainant Assa Singh Sandhu could not produce any evidence or witness regarding possessing of his necessary documents, affixing of signatures on self cheque of the complainant by threatening him and withdrawing of money from his bank account, his house arrest by Bhupinder Singh

Sandhu therefore it would not be appropriate to take legal action upon it. Apart from this, complainant also leveled allegations that Bhupinder Singh Sandhu, Simran Singh and Sukhvir Singh in connivance with each other got prepared forged rent agreement in the name of Simran Singh Bedi by forging fake signatures of complainant. Thereafter case was filed in Hon'ble Court and stay order was passed in their favour by getting the complainant Assa Singh Sandhu declared ex-parte with an intention to occupy said house. It has been found in the inquiry conducted regarding abovesaid allegations that Prabhleen Singh who was witness to rent agreement of abovesaid house which has been produced by Simran Singh Bedi, was known to Simran Singh Bedi. Prabhleen Singh gave his wrong address. He did not produce original copy of rent agreement. As per Simran Singh Bedi, he has paid rent of abovesaid house to Bhupinder Singh Sandhu and he has not met complainant after execution of rent agreement. As per Bhupinder Singh Sandhu, he has not received any rent so far but as per Simran Singh Bedi, he gave token money to Bhupinder Singh Sandhu. Simran Singh Bedi filed civil suit in Hon'ble Court regarding abovesaid house wherein address of Bhupinder Singh Sandhu was given as address of Assa Singh Sandhu. Therefore summons of abovesaid case were to be received in the house of Bhupinder Singh Sandhu, but Bhupinder Singh Sandhu has denied from any information of abovesaid case. On considering abovesaid facts, it has been found that Bhupinder Singh Sandhu and Simran Singh Bedi in connivance with each other prepared forged rent

agreement by putting forged signature of Assa Singh Sandhu thereon. They filed civil suit in the court by using this rent agreement and got stay order in their favour by getting Assa Singh Sandhu declared ex-parte and occupied the house. Therefore FIR u/s 420, 465, 467, 468, 471, 448, 511 and 120-B IPC is required to be registered against Bhupinder Singh Sandhu and Simran Singh Bedi. During inquiry of complaint, no evidence has been found against Sukhvir Singh therefore his role is required to be enquired during investigation. Stay order of abovesaid house has been passed by Hon'ble Court in favour of Simran Singh Bedi. Therefore it is recommended that opinion of State counsel be got before taking legal action on abovesaid complaint. Enquiry report was sent to ADGP NRI Wing Punjab, S.A.S Nagar by senior officer. He sought legal opinion from law officer by sending report. Law officer NRI Wing SAS Nagar opined that if inquiry report of SP NRI Wing SAS Nagar is based on true facts then FIR u/s 420, 465, 467, 468, 471, 448, 120-B IPC is required to be registered against Bhupinder Singh Sandhu, Simran Singh Bedi and Sukhvir Singh. Role of witnesses of abovesaid rent agreement is also required to be investigated. During investigation, if any other facts come to light then offences can be added or deleted. If approved then SHO P.S NRI SAS Nagar be directed to register FIR then order passed by you would become final and directory. Report is presented. Sd/-District Authority NRI Wing. ADGP NRI Punjab accepted legal opinion and directed SHO P.S NRI SAS Nagar to register FIR and investigate the same. Order No.477/Nodal Desk- 05/N.R.I

Wing dated 04.01.2024 alongwith documents has been received through post and in compliance of this, direction has been issued for registration of FIR against Bhupinder Singh Sandhu s/o Late Waryam Singh r/o H.No.1431 Phase-10, Mohali, Simran Singh Bedi s/o late Gurinder Singh #545, Saini Vihar, Phase-2, Baltana, Zirakpur, SAS Nagar Mohali and Sukhvir Singh s/o Balwinder Singh r/o Village Karkaur Tehsil Dera Bassi, SAS Nagar, Mohali. FIR No.1 dated 05.01.2024 u/s 420, 465, 467, 468, 471,448,120-B IPC has been registered against Bhupinder Singh Sandhu s/o Late Waryam Singh r/o H.No.1431 Phase-10, Mohali, Simran Singh Bedi s/o late Gurinder Singh #545, Saini Vihar, Phase-2, Baltana, Zirakpur, SAS Nagar Mohali and Sukhvir Singh s/o Balwinder Singh r/o Village Karkaur tehsil Dera Bassi, SAS Nagar, Mohali”.

3. Learned counsel for the petitioner has vehemently argued that from the allegations levelled by the complainant in the present case, it is apparent that the allegations were levelled mainly against Bhupinder Singh Sandhu, nephew of the complainant. Even, Bhupinder Singh Sandhu had committed a fraud with the petitioner also and the petitioner was occupying the property in question only as a tenant and he had been regularly paying rent to the landlord/complainant. Learned counsel further submits that the complainant threatened to dispossess the petitioner from the property and the petitioner had filed a suit for permanent injunction against the complainant, restraining him from interfering or dispossessing the

petitioner from the property in question. Vide judgment and decree dated 04.02.2023, the civil suit filed by the petitioner was decreed *ex-parte*. Learned counsel further contends that since the case was based on documentary evidence, the custodial interrogation of the petitioner may not be required.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main culprit in the present case, who is in unlawful possession of the house in question and is the root cause of the entire problem. Learned counsel for the complainant further submits that the petitioner has relied upon an alleged lease deed (Annexure P-1), which was forged and fabricated by the petitioner in collusion with his co-accused Bhupinder Singh Sandhu. Even, no rent was ever paid by him to the complainant, who is an NRI aged about 82 years and he has illegally occupied the house, to force the complainant to sell the house at a throw away prices. Apart from that, the petitioner, who is a property dealer, is habitual offender and is involved in another case, i.e., FIR No. 501 dated 18.09.2021 under Sections 409, 465, 466, 467, 468, 471 and 120-B of IPC and Section 82 of Registration Act, Police Station Zirakpur, District Mohali. Learned counsel for the complainant further submits that in the present case, the address of the complainant was wrongly mentioned

and even the alleged decree (Annexure P-3) is a result of fraud and the complainant was never aware of the passing of any such judgment and decree by the Civil Court.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. From the submissions made by the learned counsel for the petitioner, it is apparent that the present petitioner is real culprit in the present case. The complainant Assa Singh Sandhu is a very old person and is residing in USA. He came to India on 10.01.2020 and his nephew Bhupinder Singh Sandhu took him to his house at Mohali. After selling the property of the complainant at Bathinda, a House No. 1978, Phase 10, Mohali, was purchased in the name of the complainant. However, Bhupinder Singh Sandhu, nephew of the complainant hatched a criminal conspiracy with the present petitioner, to grab the house of the complainant, i.e., House No. 1978, Phase 10, Mohali and forged and fabricated rent agreement (Annexure P-1). Apart from that, the petitioner filed a suit for permanent injunction against the complainant and the complainant was wrongly shown to be residing with Bhupinder Singh Sandhu. Even, the *ex-parte* decree was passed in favour of the present petitioner. This clearly proves that Simran Singh Bedi had hatched a conspiracy with Bhupinder Singh Sandhu and forged a rent agreement to grab the house of an NRI, who is aged about 82 years. Apart from that, the rent agreement

(Annexure P-1) is apparently forged and fabricated as the petitioner had never paid any rent to the complainant in the present case and the said agreement has been forged by the petitioner only to grab the property of NRI. Further, the petitioner in connivance with Bhupinder Singh Sandhu had also taken the signatures of the complainant on several other documents as well as blank papers, which are in possession of the accused in the present case. Still further, even during the course of inquiry, it has been found that Bhupinder Singh Sandhu and the petitioner had forged the rent agreement in the instant case, just to file a civil suit against him and to grab his valuable property at Mohali. Apart from that, the petitioner, who is a property dealer is also involved in similar case FIR No. 501 dated 18.09.2021 under Sections 409, 465, 466, 467, 468, 471 and 120-B of IPC and Section 82 of Registration Act, Police Station Zirakpur, District Mohali.

7. Still further, this Court has also noticed that such cases of grabbing the properties of NRI's are on the rise in the State of Punjab and keeping in view the gravity of the allegations levelled against the petitioner, the petitioner is not entitled to the relief of anticipatory bail. Apart from that, in the considered opinion of the Court, the petitioner in connivance with Bhupinder Singh Sandhu have also obtained the signatures of the complainant on several documents/blank papers and the custodial interrogation of the

petitioner will be required in the facts and circumstances of the present case.

8. Thus, finding no merits, the present petition is ordered to be dismissed.

30.07.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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