

**109-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-5177-2024 (O&M)
Date of decision : 29.02.2024**

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Sandeep Chopra, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab,
for the respondent.

MAHABIR SINGH SINDHU, J.

This petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') has been filed for grant of anticipatory bail, by Ram Rajan, an accused in FIR No.395 dated 02.12.2023, under Sections 419, 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860, (for short, 'the IPC') and Section 82 of the Registration Act, 1977, registered at Police Station Tripuri, District Patiala.

2. Above FIR was got registered on the statement of complainant-Manoj Kumar with the allegations that he purchased a plot measuring 162 square yards situated at Friends Colony, Tafazalpura, from the petitioner, who had purchased the said plot from Balwinder Singh and Davinder Singh, (attorneys of Kanwaljit Singh and Amarjit Singh). However, later on, the said attorneys were found to be forged. Thus, petitioner in connivance with other co-accused had played a fraud on the pretext of selling the aforesaid plot.

3. It transpires that initially complaint of Manoj Kumar dated 12.01.2018 was clubbed with another complaint of Ms. Munni Devi and a combined FIR No.57 dated 19.04.2018 was registered regarding two plots and qua FIR No.57, trial is stated to be still pending. On earlier occasion, aggrieved against the non-registration of separate FIR, complainant in the present case, namely, Manoj Kumar approached this Court by way of CRM-M-27908-2018 under Section 482 Cr.P.C for seeking appropriate action on the basis of complainant dated 12.01.2018 and which was disposed off by the then Co-ordinate Bench vide order dated 06.09.2022. Aggrieved against the order dated 06.09.2022 (*supra*), the complainant approached Hon'ble the Supreme Court and during pendency of S.L.P (Crl.) No.11359-2022 in CRM-M-27908-2018, present FIR was registered by the police on 02.12.2023.

4. It is contended by learned counsel for the petitioner that on the same set of allegations, two FIRs cannot be registered. Further contended that petitioner has not committed any offence; rather, he is unnecessarily being implicated in the present FIR, which apparently is a case of civil nature. Also contended that no recovery is to be effected from the petitioner; hence, prays for pre-arrest bail.

5. *Per Contra*, learned State counsel as well as counsel for the complainant vehemently opposed the prayer while submitting that petitioner in connivance with his co-accused has played fraud by selling the plot in question to complainant on the basis of forged general power of attorney and to find out the truth as well as unearth the *modus operandi*, custodial interrogation of the petitioner is very much necessary.

6. Heard learned counsel for the parties and perused the paper-book.

7. As per prosecution case, Kanwaljit Singh and Amarjit Singh owned a piece of land measuring 402 Sq. Yards. On the basis of alleged general power of attorney, land measuring 372 Sq. Yards was transferred in favour of the present petitioner i.e. Ram Rajan by Balwinder Singh and Devinder Singh. Out of above plot, the petitioner (who is real brother-in-law of aforesaid Devinder Singh) sold land measuring 210 Sq. Yards to Munni Devi; whereas, remaining area measuring 162 Sq. Yards was sold in favour of the complainant-Manoj Kumar. The fraud came to light when the complainant was stopped from raising construction on the disputed plot, by Kanwaljit Singh and Amarjit Singh and even the construction raised by him was attempted to be demolished. The police refused to register an FIR and the complainant approached this Court, but remained unsuccessful and ultimately, went to Hon'ble the Supreme Court.

8. In such a scenario, the *modus operandi* of the accused as well as revenue official and actual details of the fraud need to be ascertained. As per status report filed in CRM-M-5027-2024 by the State, the petitioner actively participated in the alleged fraud and he is an accused in fifteen more cases under various provisions of the IPC, Arms Act, Punjab Excise Act, and Registration Act. At least five of these FIRs involve allegations of fraud and four include allegations of forgery, which shows that the petitioner is a habitual offender; thus, his custodial interrogation is very much necessary.

9. As a result, this Court is not inclined to accept the prayer of petitioner for pre-arrest bail and the same is dismissed.

10. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.

11. Pending application(s), if any, shall also stand disposed off.

29.02.2024
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No