IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11289-2024
Date of decision: 03.05.2024

Raj Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Jasleen Kaur, Advocate for the petitioner.

Mr. Kuljit Singh, Addl. A.G. Punjab.

Mr. Dinesh Trehan, Advocate for the complainant.

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KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having FIR No.3 dated 08.01.2024 under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station Model Town, Ludhiana

2. The brief facts of the case are that FIR in this case was registered on the basis of the complaint lodged by Deepak Kathuria wherein he has alleged that property dealer Tarun Taneja, Harvinder Singh Sachdeva, Parminder Singh Sachdeva had shown SCO-105 Phase-1, Urban Estate, Dugri, Ludhiana having area of 331.58 square yards to the complainant and his uncle Anil Jit Singh with proposal that the same is for sale and they also saw papers with regard to said property which were there with the aforesaid accused persons. The accused persons also projected that the said property was owned by Mandeep Singh and then they met said

Mandeep Singh who also produced papers with regard to said property which were in his name on the basis of registered sale deed dated 25.05.2017. Mandeep Singh also showed them copies of allotment letter, clearance certificate etc. Even Tarun Taneja, Harvinder Singh, Parminder Singh, Upjit Singh and Naresh Kumar Sharma stated that they have already checked all the documents relating to aforesaid property and ensured that all the documents are in order. That complainant believed them and he and his uncle Anil Jit Singh entered into an agreement with regard to purchase of the aforesaid property with Mandeep Singh for a sum of Rs.5,50,00,000/- and paid Rs.1,25,00,000/- as earnest money to Mandeep Singh in presence of all the property dealers. Even after execution of the said agreement, Tarun Taneja, Parminder Singh, Upjit Singh and Naresh Kumar Sharma took the proposed vendees to office of Greater Ludhiana Area Development Authority (GLADA), where on their request, the documents were checked by computer operator Amit Kumar Tewari and one another computer operator and they also assured that the property is recorded to be owned by Mandeep Singh son of Gurcharan Singh resident of Patiala. On believing their version, finally registered sale deed dated 28.06.2022 was executed in favour of complainant and Anil Jit Singh by Mandeep Singh and it was attested by Tarun Taneja, Naresh Kumar, Upjit Singh and Harvinder Singh and total sale consideration of Rs.5,50,00,000/- was received from vendees by aforesaid persons and Mandeep Singh. Later on, complainant came to know that the said property was not owned by Mandeep Singh and that the documents shown to him by the accused persons were fake and they committed cheating and fraud with complainant and his uncle.

3. The counsel for the petitioner submits that petitioner is falsely implicated in the present case on the basis of disclosure statement made by co-accused and the same has got no relevance and is even otherwise inadmissible in evidence. That no document is available on the record to corroborate the aforesaid disclosure statement made by co-accused and thus, the same cannot be taken into consideration. It is further submitted that petitioner was a contractual employee and is already removed from service by Chief Administrator of GLADA. It is further submitted that complainant filed civil suit with regard to the subject matter involved in the present case, wherein the petitioner was not made party and in the said suit, complainant specifically pleaded that he got verified the ownership of the property by approaching the Estate Officer of GLADA. It is further submitted that the allegations leveled against the present petitioner are totally false, and the petitioner was not in a position and having no authority to prepare the disputed documents, which requires to be verified by the senior officials of GLADA. It is further submitted that petitioner is already granted interim bail by this Court and has joined investigation with the police, once and is ready and willing to join further investigation as and when called to do so by the investigating officer.

4. The present petition is resisted by the State counsel and the counsel for the complainant. The State counsel apprised the Court that on the direction of this Court, SIT was constituted which is being headed by an IPS officer and SIT has given its interim report as per which, petitioner Raj Singh and Amit Kumar received Rs.1,25,00,000/- to facilitate the other accused in getting executed the sale deed in question and for that purpose,

petitioner and Amit Kumar had committed theft of the original file lying in custody of GLADA and prepared fake documents like allotment letters, no due certificate etc. It is further submitted that the recovery of the aforesaid amount and other documents is to be effected from the petitioner and the custodial interrogation is necessary for proper and effective investigation of the case.

5. I have considered the submissions made by counsel for the parties.

6. The petitioner who was not named in the FIR, was nominated as accused on the basis of disclosure statement made by co-accused Upjit Singh @ Mannu.

7. Petitioner is also involved in one another criminal case of similar nature having FIR No.18 dated 13.02.2024 under Section 420, 465, 467, 468, 471, 120-B IPC, Police Station Dugri, District Ludhiana, wherein also the petitioner is required by the police and bail application filed by him under Section 438 Cr.P.C. in the said criminal case is also dismissed vide separate order of even date by this Court.

8. The Hon'ble Supreme Court in ***Pratibha Manchanda and Another Vs. State of Haryana and Another 2023 (3) RCR (Criminal) 511*** observed as follows:-

> "*25. Land scams in India have been a persistent issue, involving fraudulent practices and illegal activities related to land acquisition, ownership, and transactions. Scammers often create fake land titles, forge sale deeds, or manipulate land records to show false ownership or an encumbrance free status. Organized criminal networks often plan and execute these intricate scams, exploiting vulnerable individuals and communities, and resorting to intimidation or threats to force them to vacate their properties. These land scams not only*

result in financial losses for individuals and investors but also disrupt development projects, erode public trust, and hinder socioeconomic progress.
26. While we do not wish to comment further on this issue, we believe it is necessary to foil any trace of organised crime perpetrated by land mafia, through an unimpaired and unobstructed investigation."

9. In the instant case, the allegations are of grave nature and in the absence of custodial interrogation of the petitioner, it would be difficult for the investigating agency to unearth the truth behind the entire fraud committed by the accused persons.

10. For the foregoing reason, coupled with the serious view taken by the Hon'ble Supreme Court in **Pratibha Manchanda's case** (supra), no ground is made out to grant concession of anticipatory bail to the petitioner. Consequently, the present petition is dismissed. However, anything observed herein above shall not be treated as an expression of opinion on merits of the case.

03.05.2024 **(KARAMJIT SINGH)**
Yogesh **JUDGE**

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