

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11612-2024
DECIDED ON: 06.03.2024

BIKRAMJIT SINGH AND ANR
.....PETITIONERS

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Munish Kumar Singla, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner in FIR No.04, dated 20.01.2024, under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station NRI SAS Nagar, District SAS Nagar Mohali.

The contents of the FIR read as under:-

“To, the SHO, NRI, Affairs Sub:- Fraud, Respected Sir, the purpose of writing this letter is that I Sher Singh @ Shamsher Singh s/o S. Gurbara Singh, Chatamli, Teh. Morinda, Distt. Ropar. I am the owner of 18 acers of land in Chatamli including five acers of land my brother transferred to me. I am currently residing in Canada. I was in India from April 17th to 31st May, 2022. It has come to my notice that some people are trying to sell some fraction of my land in my absence. I hereby appoint Surinder Singh (Mobile NO. 09876716134) to take care of the matter in my absence Sher Singh @Shamsher Singh. Above application has been received in the police station for inquiry and during inquiry of the same it has been found that applicant Sher Singh @ Shamsher Singh and Jaspal Singh ss/o Gurwara Singh rs/o Village

Chatamali, District Ropar are residing at Canada. Both these brothers have about 18 Acres of land at Village Chatamali, District Ropar. Since long, Jaspal Singh is residing separately from his wife and is resident of America. Due to ill health, at present he is residing with his brother Sher Singh @ Shamsher Singh at Canada. In the year 2017-18, Jaspal Singh had transferred the land of his share in the name of his brother applicant Sher Singh @ Shamsher Singh and now there is no land in the name of Jaspal Singh, at village Chatamali. Surinder Singh s/o Prem Singh r/o Village Gosla, Tehsil Mohali, is cultivating the land of applicant Sher Singh @ Shamsher Singh, for the last about 12 years, by taking the same on lease. Mohan Lal s/o Mangal Dass, r/o Ward No. 5, Kurali, District Mohali is running the shop of shuttering at Kurali and had sold his ancestral land at village Rupa, District Ludhiana and was interested to take land near overline As Kuraliper Mohan Lal, property dealer Jaggi and Baljit came on his shuttering shop at Kurali, on 09-06-2022. Baljit Singh told that he is resident of village Allapur Kharar and Jaggi told that he is resident of village Barodi, District Mohali. These both persons had come on the shop of Mohan Lal, to take shuttering on rent and during talks they told that they are property dealers and then Mohan Lal talked with them for purchasing land near Kurali. They showed land at villages Chintgarh and Babnara, District Ropar to Mohan Lal. Thereafter they also showed land at village Chatamali, District Ropar to Mohan Lal. They informed Mohan Lal that this land is of applicant Sher Singh @ Shamsher Singh and his brother Jaspal Singh, who reside at Canada and now a days have come to India and further told that they are to return back to Canada, after selling the land. Thereafter above property dealers got arranged the meeting of Mohan Lal, with two persons, to whom they were calling Sher Singh @ Shamsher Singh and Jaspal Singh, on 15-06-2022 at Sindi Sweets, Phase-3B, Mohali. Those two persons introduced themselves as Sher Singh @ Shamsher Singh and Jaspal Singh and further told that they are reside of Canada and are owner of the property. Above property dealers, got struck the deal between Mohan Lal and applicant Sher Singh @ Shamsher Singh &

Jaspal Singh of land measuring 27 Kanal 19 Marla, situated at village Chatamali, District Ropar. On 15-06-2022, regarding this land, these property dealers got executed agreement to sell, in the name of Bimla Devi w/o Mohan Lal at Kurali, District Mohali and at the time of agreement, they received rupees twenty five lacs, in cash, from Mohan Lal, at his house, as earnest money and on next day i.e. on 16-06- 2022 got rupees twenty five lacs more in cash. Mohan Lal has produced receipt regarding taking of rupees fifty lacs as earnest money and the sellers i.e. Jaspal Singh and Sher Singh @ Shamsher Singh had signed the same. Mohan Lal wanted to give the entire amount to them, through cheque but they put pressure up on Mohan Lal and allured him that they will get the sale deed executed within two - four days and asked to give the remaining amount through cheque. Thereafter Mohan Lal came to know through Surinder Singh r/o Village Gosal, Tehsil Kharar, District Mohali, who takes the land of applicant on lease that original owners of the land reside in Canada. Above persons, after taking the earnest money, disappeared somewhere and they have cheated Mohan Lal, by taking rupees fifty lacs, as earnest money from him, on the basis of forged document and by pretending them to be the owners of the land. Regarding this inquiry of one application, submitted by Mohan Lal is being conducted separately. During the inquiry of the application submitted by Sher Singh C-1, Mohan Lal and his son Subash Chander have informed that above persons have come in two different - different Verna cars No. CH-01-AS-2439 and PB-65T-4004 and these cars had come in the CC TV, installed in front of shop and CC TV footage of these persons are also there. As per Mohan Lal and his son Subash Chander that they themselves have come to know that in fact of Baljit Singh is Bikramjit Singh s/o Surinder Singh r/o Village Doomchheri, District Ropar. On the day of agreement to sell, one other person, who came with him, his name is Gursewak Singh @ Soni r/o Village Ghumandgarh, District Fatehgarh Sahib and the person who was telling himself Jaggi, his name is Jagdish r/o Village Kalheri, Morinda, District Rupnagar. Apart from this, two other unknown persons, who came as Sher Singh @ Shamsher Singh and

Jaspal Singh, no information has been found regarding them. On perusal of the Aadhar Cards of applicant and his brother Jaspal Singh, which have been produced by Surinder Singh, who takes the land of applicant Sher Singh on lease, have been found to be fictitious one and the same have been prepared by affixing the photo of fictitious persons. Regarding inquiry of the application notice no. 893/5A dated 12-07-2022 has been sent at the home address of respondent Bikramjit Singh and Gursewak Singh but both these persons did not meet at their home. Instead of joining the inquiry of the above application, Bikramjit Singh s/o Surinder Singh r/o Village Doomchheri, District Rupnagar filed his bail application before Additional District and Sessions Judge Mohali, which has been dismissed on 18-07-2022. Apart from this bail application of Gursewak Singh s/o Malkit Singh, village Ghumandgarh, Tehsil Bassi Pathana, District Fatehgarh Sahib is pending for 06-04-2023, in the court of Additional District and Sessions Judge Mohali. From till now inquiry of the application, it has been found that Bikramjit Singh s/o Surinder Singh r/o Village Doomchheri, District Rupnagar, Gursewak Singh s/o Malkit Singh, village Ghumandgarh, Tehsil Bassi Pathana, District Fatehgarh Sahib, Jagdish s/o Not Known r/o Kalheri, District Rupnagar and two more unknown persons (who impersonated themselves as Sher Singh @ Shamsher Singh and Jaspal Singh) in connivance with each other, by preparing fictitious aadhar cards of applicant Sher Singh @ Shamsher Singh and his brother Jaspal Singh, have entered into an agreement to sell, for selling their land fraudulently to Bimla Devi w/o Mohan Lal, r/o Ward No. 5, Kurali, District Mohali and hence it is recommended that case u/ss 419, 420, 465, 466, 467, 468, 471, 120-B of IPC be registered against them. Inquiry report is being sent to Additional Director General of Police, NRI Wing, SAS Nagar, Punjab through Senior Officers, who sent the report to Law Officer, for taking legal opinion and the Law Officer NRI Wing, SAS Nagar has opined that as per my opinion, if inquiry report of Superintendent of Police/NRI Wing/SAS Nagar is based on true facts then offence u/ss 419, 420, 465, 466, 467, 468, 471, 120-B of IPC is made out against 1. Bikramjit

Singh, 2. Gursewak Singh, 3. Jagdish and two more unknown persons. If during investigation, any other fact comes to the fore, then the offences and accused may be increased/decreased according to the same. If accepted then SHO, PS, NRI, SAS Nagar be ordered to register the case and in that situation, the decision taken by you will be final and acceptable. On this ADGP/NRI Punjab, while agreeing with the legal opinion ordered SHO, PS NRI, SAS Nagar, to register case and investigate. Order No. 1459/Nodal Desk -05/NRI Wing dated 18-01-2024 alongwith documents received through post and FIR No. 04 dated 20-01-2024, u/ss 419, 420, 465, 466, 467, 468, 471, 120-B of IPC has been registered against Bikramjit Singh s/o Surinder Singh r/o Village Doomchheri, District Rupnagar, Gursewak Singh s/o Malkit Singh, village Ghumandgarh, Tehsil Bassi Pathana, District Fatehgarh Sahib, Jagdish s/o Not Known r/o Kalheri, District Rupnagar and two more unknown persons. Application alongwith inquiry report, original documents and copy of rapar FIR have been handed over SI Ravinder Singh 513/PR, for further investigation. Control Room informed through telephone. Rapar No. 12 dated 20-01-2024.”

2. Learned counsel for the petitioners contends that the petitioners are not the beneficiary as both of them has not received any amount either from Mohan Lal or Sher Singh @ Shamsher Singh. They have also denied as to who impersonated as Sher Singh @ Shamsher Singh and his brother Jaspal Singh. The anticipatory bail has been prayed for by vehemently arguing that no recovery whatsoever is to be effected, which could necessitate the custodial interrogation.

3. Notice of motion.

4. On the asking of Court, Mr. Rajiv Verma, DAG Punjab accepts notice on behalf of respondent-State. He referring to the part, wherein specific allegation qua both the petitioners has been made to the effect that they are guilty of preparing forged and fabricated Aadhar Cards, who were named as Baljit Singh, but real name is Bikramjit Singh s/o Shri Surinder Singh and another one is Gursewak Singh @

Soni. The categoric stand of the prosecution is that there is a transaction of huge amount to the tune of Rs.50,00,000/- in cash against a consideration for the land measuring 5 acres, which actually belongs to Sher Singh @ Shamsheer Singh, who is actually residing in Canada.

5. Having considered the arguments raised by respective parties, this Court at this stage is prima facie of the view that the petitioners have committed a serious offence by creating forged identity in the form of Aadhar Cards and have dared to commit a fraud not only with the complainant but with the State Government as well and have made serious attempt to create false identity in connivance with other co-accused persons and tried to sell the said property, which belongs to one Sher Singh @ Shamsheer Singh and his brother Jaspal Singh by impersonation, who would have been otherwise deprived of his property at the hands of present petitioners.

6. In the light of above, the petitioners who are otherwise evading the process of law, since the registration of FIR on 20.01.2024 might have made an attempt to prove their bonafides instead of escaping from clutches of law by wrongful means. Further reliance by the prosecution on the CCTV footage also very conclusively would ensure that presence of the petitioners at the place, where the whole transaction took place is established. As far as the question of any bona fide derived by the petitioners is concerned i.e., required to be adjudicated and established only by way of trial. For the purpose of determining the source of fabrication and forgery committed over the Government documents, which is in itself a pertinent document to establish one's identity i.e. 'Aadhar Card', the petitioners are required for custodial interrogation to disclose that source as well as the material, which may have to be recovered in the form of machine etc., which

were used for preparing these documents ultimately on the basis of which an attempt has been made to dispossess Sher Singh @ Shamsher Singh, who is absolutely the legal owner of the property in question.

7. Learned State counsel on instructions from SI Amandeep Singh further contended that Manjinder Singh is the owner of the vehicle used in the offence in which the petitioners and others travelled i.e. Verna Car bearing registration No. PB-65T-4004, who disclosed that the petitioners have borrowed the car on the pretext of some urgent work and returned the same to him after three days.

8. In view of the above discussions made hereinabove, the petitioners do not deserve any concession at least at this stage. Hence, the present petition stands dismissed being devoid of merits with no order as to costs.

(SANDEEP MOUDGIL)
JUDGE

06.03.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>