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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12941 of 2024
Date of Decision: 21.03.2024

Surinder SinghPetitioner

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.308 dated 18.10.2021 registered for the offences punishable under Section 420/120-B of the Indian Penal Code and Section 82 of the Registration Act, 1908, at Police Station Derabassi, District SAS Nagar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. The precise allegation against the petitioner is of having connived with Surinder Singh son of Pal Singh who executed Special Power of Attorney in favour of the petitioner and the petitioner further executed sale deed in favour of his principal only by relying upon said special power of attorney. From the inquiry conducted by the police

authorities it has been found that 11 kanal 13 marla of land was originally owned by one Smt. Bhagwant Kaur wife of Harbans Singh. 8 kanal 8 marla out of the said land was transferred in favour of Indervir Kaur. Both Indervir Kaur as well as Bhagwant Kaur executed power of attorney in favour of Surinder Singh son of Pal Singh. He carved out colony over the said land. Small size plots were carved and sold. 1228 sq. yard was left for roads but Surinder Singh sold area of roads as well. He executed special power of attorney in favour of Surinder Singh i.e. the present petitioner and got executed sale deed of 2 kanal 10 marla of land in his favour from his agent i.e. the present petitioner. On the strength of the same, he sold 8 marla 3 sarsai vide sale deed dated 6th of December, 2011 to Sonia Kumari, 6 marla 8 sarsai to Hari Chand Sharma on 6th of November, 2012 and another 14 marla 7 sarsai to Sonia vide sale deed dated 3rd of April, 2012.

3. I have heard counsel for the parties and have gone through records of the case.

4. Law regarding pre-arrest bail has been well laid down elaborately by Supreme Court in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1** and **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**.

5. When present case is viewed from the prism of afore-stated dictum, this Court finds that there is nothing on record to show that the

allegations levelled against the petitioners are motivated. As noticed by the Apex Court in the case of '**Pratibha Manchanda & Anr. vs. State of Haryana & Anr., 2023(3) R.C.R.(Criminal) 511** exponential increase in the properties has led to a separate class of offence wherein scammers create fake land titles, forged sale deeds and manipulate land records to show false ownership, false possession and encumbrance-free status of the properties. Organized crime networks plan and execute the aforesaid illegal activities resorting to intimidation and threats to force vulnerable individuals to vacate their properties.

6. In the case in hand, the main accused i.e. Surinder Singh son of Pal Singh was able to sell the whole area including that left for roads. It is a classic case which exhibits how in the illegal colonies carved out in the periphery of Tricity the land mafias have been able to cheat innocent people of their hard earned money who purchased these small plots to quench their life long thrust. On the strength of documents created and recreated they are able to show total area more than what actually exists and thereafter, when the purchaser goes on the spot to construct his house, he finds that the plot does not exist.

7. Apart therefrom even during the course of hearing of the present petition, the petitioner raised plea w.r.t. non-service of notice under Section 41-A of the Code in compliance of law laid down by the

Supreme Court in the case of **Arnesh Kumar vs. State of Bihar and another (2014) 8 SCC 273**.

8. Status report by Ajitesh Kaushal, SHO, P.S. Derabassi, District SAS Nagar has been filed on behalf of respondent No.1 today in Court, which is taken on record. Relevant part thereof reads as under:

“7. That it is respectfully submitted here that the investigating officer ASI Nathi Ram also issued notice dated 08.06.2023 under section 41 of Cr.P.C. to the petitioner on the address mentioned by the petitioner in his bail petition. It is humbly submitted here that when the police officer went to the serve the aforesaid notice at the given address, it was found that one Luxmi wife of PremLal is residing at H. No. 380, AKS, Zirakpur and the petitioner is not found residing at the abovementioned address. Thereafter, on 17.06.2023, the aforesaid Luxmi also got recorded her statement in which she categorically stated that no person with the name of Surinder Singh son of Dilip Singh is residing at her residence i.e. H. No. 380, AKS, Zirakpur.

8. That the petitioner in the instant petition has also mentioned the same address as given in the bail petition before the Id. Sessions Court, hence the investigating officer again visited the aforesaid address to verify the same. It has been found that the petitioner is not residing at the aforesaid address as House No. 380, AKS- 2, Zirakpur is owned by Luxmi wife of PremLal and she has been found residing in the aforesaid address. The investigating officer duly entered into DDR No. 32 dated 15.03.2024 regarding the same.

9. That it is humbly submitted here that after completing investigation qua other accused namely Hari Chand, Munish Dev, BhimSain and Sonia, the Final Report under section 173 Cr.P.C. has been presented before the Id. court of competent jurisdiction on 25.01.2024 against the aforesaid accused except Surinder Singh son of Pal Singh and Surinder Singh son of Dilip Singh (the

petitioner). Now, the next date before the Id. Trial Court is 15.05.2024 for framing of charges against the aforesaid accused. xxx”

9. Thus, it is evident that even before this Court the address as given by the petitioner is not correct.
10. Keeping in view the aforesaid conduct of the petitioner and the nature of the allegations levelled against him, this Court does not find that the petitioner deserves discretionary relief of pre-arrest bail.
11. Resultantly, the present petition is dismissed.

March 21, 2024	(PANKAJ JAIN)
Dpr	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No