

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16975-2024
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. Amritpal Singh Gill, Advocate for the complainant.

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.18 dated 13.02.2024 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Dugri, District Ludhiana.
2. The case of the prosecution in brief is that FIR in this case is registered on the basis of the complaint lodged by Mahinder Singh wherein he has alleged that co-accused Taranjit Singh is his neighbour and he told the complainant that he was having vacant plots of SCF-266 & 267 in area of Dugri, Ludhiana each measuring 158.58 square yards and he showed his willingness to sell the same and on this complainant agreed to purchase both the said plots. That Taranjit Singh in connivance with other accused persons entered into an agreement to sell SCF-266 with his son Ajit Pal Singh for total sale consideration of Rs.1,72,50,000/- and received Rs.90,00,000/- as part payment on different dates and 10.05.2023 was the date fixed for payment of balance amount and execution of sale deed. Thereafter,

Taranjit Singh in connivance with the other accused persons, settled deal regarding sale of SCF-267 for total sale consideration of Rs.1,72,50,000/- and received the entire sale consideration. Out of the aforesaid sale consideration, Rs.20,00,000/- were paid through RTGS dated 09.11.2022 and another Rs.34,94,995/- was paid through RTGS dated 14.12.2022 while another Rs.1,17,55,005/- was received through cash and another Rs.3,33,300/- was paid as registration and stamp charges, Rs.1,36,300/- as a Court fees and Rs.1,72,500/- as a commission and in this manner, accused received in total Rs.1,80,00,000/- from complainant and his son as sale consideration with regard to SCF-267. Registered sale deed with regard to SCF-267 was also executed in favour of Ajit Pal Singh on 19.12.2022. It is further submitted that the accused took total amount of Rs.2,70,00,000/- from the complainant party with regard to SCF-266 & 267. That after registration of sale deed dated 19.12.2022, the complainant went to office of Greater Ludhiana Area Development Authority (GLADA), for the purpose of getting transferred the said property from the name of original owner, in the name of his son Ajit Pal Singh on the basis of aforesaid sale deed. On enquiry made by the complainant, it was found that Taranjit Singh did not own any such property as per the record available in office of GLADA. It was also found that no such NOC was ever issued by GLADA regarding aforesaid property. That 11 persons named in the FIR, committed cheating, fraud and forgery by entering into a conspiracy. During investigation, petitioner Raj Singh was also nominated as accused.

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 in the connected matter, petitioner was granted interim bail by this Court vide order dated 04.03.2024 and by virtue of the said order, petitioner has joined investigation in the said case having FIR No.3 dated 18.01.2024 under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station Model Town, Ludhiana. It is further submitted that petitioner is ready and willing to join investigation in the present case also.

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.35,00,000/- each for making false documents. It is further submitted that the recovery of the aforesaid amount is to be effected from the petitioner and his 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 of co-accused Upjit Singh @ Mannu wherein he stated that payment of Rs.35,00,000/- each was made to petitioner and one Amit Kumar for fabrication of documents.

7. Petitioner is also involved in one another criminal case of similar nature having FIR No.3 dated 08.01.2024 under Section 420, 465, 467, 468, 471, 120-B IPC, Police Station Model Town, Ludhiana, wherein the petitioner was earlier granted interim bail, but the said bail application has been dismissed by this Court vide separate order of even date.

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

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**