



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 24.05.2024

1. CRM-M-17434-2023

Mewa Singh and others Petitioners

versus

State of Punjab Respondent

2. CRM-M-27308-2023

Davinder Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kanwalit Singh, Senior Advocate with
Mr. K.S. Brar, Advocate
for the petitioners.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pranshul Dhull, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. By way of present petitions, the petitioners seek pre-arrest
bail in FIR No.8 dated 10.01.2023, registered for the offences
punishable under Sections 420, 465, 466, 471, 406 and 120-B of IPC at
Police Station Patran, District Patiala.

2. FIR was registered on basis of statement of Gurmeet Kaur,
who alleged as under:-



“To SSP Patiala, application against Teja Singh s/o Gurdit Singh, Mewa Singh (Mobile no 94176 38373, 9417555132), Sukhwinder Singh (Mobile 94655 51001), Davinder Singh son of Sukhwinder Singh, Nirmal Singh (Phone no 75269 42227, 7087535405) sons of Teja Singh and Sarabjeet Singh (Mobile 90410 58330) sons of Mahinder Singh s/o Teja Singh r/o New house no 701, Kamal Vihar Chogiti House Jalandhar have hatched a conspiracy and transferred the land situated within the revenue estate of the village Shadipur momian, Tehsil Pataran, District Patiala in their name and usurp the amount enhanced as per the court order qua the share of her husband to the tune of RS 65,00,000 and on asking the compensation amount they threatened to kill for taking legal action. The brief facts of the application are as under: i) That I gurmeet Kaur wife of Kulwinder Singh is resident of Village and PO Kartar Pur Tehsil Patran District Patiala PS Satrana and my husband Kulwinder Singh age about 56 years and is passing through his old age. 2) That our family also belongs to late Gurdit Singh family and since long has been residing in Jalandhar. That late Sh Gurdit Singh was having 8 sons and three daughters out of which her husbands father was Late Charan Singh (now expired) died in the year 2014. That in the joint family Teja Singh was son of above said Gurdit Singh. He was having four sons namely late Mohinder, Mewa Singh Sukhwinder Singh and Nirmal Singh. 3) That when their family was residing in the Jalandhar at that time they were living in the joint family and they earned jointly for their family. They were having



some land in Jalandhar City out of which about 8 acres of land was got entered in the name of Teja Singh son of Gurdit Singh with the hope that at the time of partition he will divide the land to all four brothers in equal shares. Apart from this remaining joint land about 14 acres was in village Kartarpur momian Tehsil Patarn District Patiala. The source of the whole land was contribution of the joint family. Teja Singh was the taya of her husband Kulwinder Singh 4) That the land in the name of Teja singh about 8 acres was acquired in the year 2002 under the scheme of Dev Singh by Improvement Trust Jalandhar and the compensation of the said land was disbursed to all the brothers out of which a cheque of RS 1,94,95,584 regarding compensation of our abovesaid land joint land about 8 acres was issued in the name of Teja Singh. Thereafter Teja Singh told her in law family that if you want the share of the compensation amount of Jalandhar land than you have to transfer share in the land of 12 acres in village Kartar pur momian and than her in law family transferred the land qua his share in the name of teja Singh. After that Teja Singh told her in law family that he will give the compensation amount on the condition that you would purchase the land in his name to save the tax Under this influence her in law family purchased about 6 acres of land in village Shadipur Momian and registered deed was executed in the name of Teja Singh. Thereafter Teja Singh executed a GPA in favour of charan singh regarding this land. 5) After that we all family members with mutual consent filed a case in district court Jalandhar against the Jalandhar improvement trust against the



amount awarded regarding the land situated in Jalandhar and they won the case and the case was decided in favour and court awarded compensation of RS 2 crores and thereafter Teja Singh has given a cheque of RS 15 lakhs to her in law family. It is pertinent to mention here that the whole expenses spent on the litigation was spent by all family jointly. Thereafter our all families after due consultation regarding less compensation amount again decided to prefer petition before the Hon'ble Punjab and Haryana high court and Hon'ble High court awarded RS 3 crore 90 lakhs. A cheque of this amount was received in the name of Teja Singh in the year 2019. Out of this compensation amount her husband kulwinder share is about 65 lakh Rs. But till today the share in the compensation amount has not been given. Now Teja Singh is saying that he has become old age and his land is in the hands of his sons namely Mewa Singh Sukhwinder singh Nirmal Singh, Sarabjit Singh son of mohinder singh son of Teja Singh. You have to talk with them then my husband Talked with the sons of Teja Singh namely Mewa Singh, Sukhwinder singh, Nirmal Singh, Sarabjit Singh son of mohinder singh son of Teja Singh and they lingered on the matter on one pretext or the other regarding payment and compensation amount. Now they have refused to pay the amount and they have not given any satisfactory reply to my husband and the sons of teja singh namely Mewa Singh etc told my husband that he may do whatever but you cant do anything against us. In case you file complaint against us than you will face the consequences. 7) That after that my husband is disturbed for the last 2 years and



is thinking that my land has gone and I have also not received the amount because late teja singh and his successors are not paying her husband his share as per law and they used loose talk with her husband and threatened to kill. Due to this my husband is acting against his usual behavior and is always lost in his thoughts. Application is moved with prayer to investigate and justice be done and action be taken against Teja singh, mewa singh, Sukhwinder singh, Nirmal Singh, Sarabjit singh son of Mohinder singh son of teja singh about conspiracy for transferring the land of Village Sadipur Momian tehsil Patran District Patiala in their name and not paying the amount of RS 65 Lakhs on demand and threatened to kill. Thanking you Gurmeet Kaur wife of Kulwinder singh.xxx”

3. At the heart of the dispute, is the issue whether the acquired property for which compensation has been released is a property of undivided family or was the individual property of Teja Singh. Parties are already in the thick of civil lis. It is not disputed that the petitioners after interim order, joined investigation.

4. In view thereof, interim order dated 13.04.2023, passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.



6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
7. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
8. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
10. Disposed off accordingly.
11. A photocopy of this order be placed on the files of other connected cases.

(PANKAJ JAIN)
JUDGE

24.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No