

2024:PHHC:142843



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-25870 of 2024 (O&M)
Date of Decision: 15.10.2024

(1) Sukhdev Singh ...Petitioner
Versus
State of Punjab ... Respondent

CRM M-39630 of 2024 (O&M)

(2) Kulwinder Kaur ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Anoop Verma, Advocate, for the petitioners.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Vipin Mahajan, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off two bail petitions, i.e., CRM M-25870-2024 titled as “Sukhdev Singh Vs. State of Punjab” and CRM M-39630-2024 titled as “Kulwinder Kaur Vs. State of Punjab”, which have been filed by both the petitioners under Section 438 of the Cr.P.C. and under Section 482 of the BNSS, respectively, for grant of anticipatory bail in case FIR No. 26 dated 01.04.2024 under Section 420 of IPC (Sections 406 and 120-B IPC added vide

order dated 12.08.2024) registered at Police Station City Batala, District Batala.

2. The FIR in the present case was registered on the basis of statement made by Harpreet Singh Maan and the same has been reproduced as under:-

“Copy of application number PGD. No. 3902 Dated 29-07-23 To, Hon'ble Senior Superintendent of Police, Batala. Subject:-Regarding embezzlement of money by Sukhdev Singh son of Charan Singh r/o Sandalpur by manipulating land property. Sir, it is requested that I Harpreet Singh Maan son of late Sardar Kala Singh resident of 161 Guru Ramdas Colony Batala. My father had got allotted 66 canals 10 marlas land in village Ballaladwaal, Tehsil Batala from the government to Shri Sukhdev Singh son of Charan Singh resident of Sandalpur. The consideration of this land was given by my father to my above uncle Sukhdev Singh and in lieu of this, Power of Attorney dated 05.06.2023 was taken from Sukhdev Singh, regarding which I came to know only after the death of my mother in 2022. My father had died in the year 2008. After the death of my mother I requested my uncle Sukhdev Singh many times to transfer the land in my name. On which the answer from my uncle was always in negative. There after I found some papers in my house in which there were orders of commissioner Jalandhar which certifies that the allotment of above land has been cancelled by the government. This land has come under highway now, which I came to know only last week. Sukhdev Singh son

*of Charan Singh has committed fraud with me and Punjab government and got the compensation in his account. I request to your good self that legal action be taken against Sukhdev Singh son of Charan Singh resident of Sandalpur for committing fraud with me and Punjab government and justice may kindly be delivered. Copy of Allotment cancellation and power of attorney are attached herewith. Thanking you. Yours faithfully
Sd/- Harpreet Singh man son of late Sardar kala Singh resident of 161 Guru Ramdas colony Batala 9501711511 dated 29/7/23”.*

3. Learned counsel for the petitioners submits that the both the petitioners who are husband and wife have been falsely involved by the complainant, who had no locus standi to get the FIR registered. In fact, the complainant colluded with the local police and managed to get the FIR registered by converting a civil dispute into a criminal offence. Learned counsel further submits that the father of the complainant had got allotted the land measuring 66 Kanals 10 Marlas at village Ballaladwaal in the name of Sukhdev Singh, petitioner. In the year 2022, the land was acquired and Rs. 87 lacs were transferred in the joint account of Sukhdev Singh and Kulwinder Kaur, both the petitioners/accused as compensation from the National Highway Authority of India (NHAI). Learned counsel further submits that in fact the petitioners had been in lawful possession of the disputed land for the last more than 30 years, which was also reflected in the Jamabandi and the Khasra Girdawari of the village. Still further, the

land was transferred in the name of the petitioners since 1998 and there was no revocation or transfer of ownership upto this point of time. Learned counsel further contends that the petitioners had never received any notice regarding the cancellation of allotment in their favour.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners. It was submitted that the land measuring 66 Kanals 10 Marlas was allotted to Sukhdev Singh, petitioner, by Tehsildar (Sales), Batala in 1998 on the reserved price of Rs. 49,880/-. However, the said allotment was subsequently cancelled on 13.05.1999 by the Sales Commissioner, Gurdaspur. The order of cancellation was further upheld by the Commissioner, Jalandhar Division, Jalandhar, vide order dated 03.03.2000. Sukhdev Singh, petitioner moved application before the Tehsildar (Sales), Batala for return of amount of Rs. 49,880/- and he also filed an affidavit alongwith the application by stating that the order of cancellation of allotment had become final and he would not file any appeal and requested for returning of his amount.

5. Still further, on the said application, Revenue Department had put a note to verify the facts and a sum of Rs. 49,880/- was returned to the petitioner by the Office of Treasury Officer, Gurdaspur. At a later stage, the aforesaid land measuring 66 Kanals

10 Marlas was acquired by NHAI and the petitioners were well aware of the fact that the allotment of land in their favour had already been cancelled long back. Despite this, the petitioners had taken a sum of Rs. 87 lacs from NHAI in joint bank account and immediately thereafter, both the petitioners had transferred the amount of compensation in the account of their son, namely, Sukhpinder Singh in New Zealand. The said fact has been verified by Axis bank vide letter dated 11.06.2024 (Annexure R-3).

6. I have heard the rival submissions made by learned counsel for the parties and perused the record.

7. In the present case, it is apparent from the documentary evidence that the petitioners had the knowledge of cancellation of allotment of land, which was in the name of Sukhdev Singh, petitioner. Still, both the petitioners had accepted a sum of Rs. 87 lacs from NHAI, on account of acquisition of land measuring 66 Kanals 10 Marlas. Even, both the petitioners were aware of the fact that they were not entitled to receive the compensation amount of Rs.87 lacs. They not only fraudulently received the amount, but also transferred the amount of Rs. 87 lacs in the account of their son Sukhpinder Singh in New Zealand. Still further, from the allegations, it is apparent that the petitioners had committed a fraud with National Highway Authority of India and in collusion with the government officials, they had embezzled an amount of Rs.87 lacs and have

caused huge financial loss to the Government exchequer. Thus, keeping in view the gravity of the allegations levelled against the petitioners, both the petitions are ordered to be dismissed.

8. Pending applications, if any, also stand disposed off, accordingly.

15.10.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No