



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : August 05, 2024

1. CRM-M-27656-2024

Harwinder SinghPetitioner
VERSUS
State of PunjabRespondent

2. CRM-M-27704-2024

Arjinder SinghPetitioner
VERSUS
State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Bhupinder Ghai, Advocate, for the petitioner
in CRM-M-27656-2024

Mr. Manoj Kumar, Advocate, for the petitioner in
CRM-M-27704-2024

Mr. Pardeep Bajaj, DAG, Punjab

KULDEEP TIWARI,J. (ORAL)

1. Both these petitions are amenable to be decided together as common relief i.e. seeking anticipatory bail in a common FIR i.e. FIR No. 92 dated 26.4.2024, under Sections 420, 419, 467, 468, 471, 447, 511, 120-B IPC, 1860, registered at Police Station Sadar, Ludhiana, has been sought, therefore, both the petitions are taken together for decision.



2. Earlier this Court had issued notice of motion, and directed the State to file reply. In deference to the directions issued by this Court on dated 30.5.2024, a short reply by way of affidavit of Jaskiranjit Singh Teja (PPS), Deputy Commissioner of Police, Ludhiana (Rural), was filed.

2. It is not under dispute that the allegations against both the petitioners are different, however, since the germane of the instant petitions are from common FIR, therefore, they can be decided together.

***SUBMISSIONS BY THE LEARNED COUNSEL FOR
PETITIONER – HARWINDER SINGH***

3. Learned counsel for the petitioner in asking for pre-arrest bail on behalf of petitioner-Harwinder Singh, submits :-

- (i) that in the present case, the contents of the FIR have been changed, which is otherwise not permissible under the law. He further submits that the sale deed, which has been executed between the co-petitioner Arjinder Singh, and the present petitioner is with regard to the Khasra No. 79, and the petitioner has no concern whatsoever, with the property of the complainant, therefore, giving no occasion to the complainant to register the instant FIR. He further set up the defence of bonafide purchaser, after paying the consideration amount of Rs 40 lacs. The total consideration for the entire land is about Rs 3 crores.



- (ii) that earlier seven complaints on various occasions against the various persons including the present petitioner were filed by the complainant, and they all were found to be false, therefore, the complainant is involved in filing the false litigation.
- (iii) He further draws the attention of this Court towards the orders Annexures P/4 and P/5, whereby, the applications filed under Section 156(3) Cr.P.C. were declined by the learned Magistrates concerned, and even the revisions preferred by the complainant met the same fate of dismissal.
- (iv) He also submits that the allegations regarding forging the sale deed No. 8934 dated 18.11.2022 by executing supplementary deed would not even constitute the offence as it is only an endeavour to correct the clerical error.
- (v) He in addition submits that the civil suit which is mentioned in the instant complaint, was not filed either against the petitioner, nor his vendors, and therefore, said alienation which was operating, according to the complainant, is not operated against the vendor of the petitioner, and that finally the civil suit has also been dismissed on merits.



***SUBMISSIONS BY THE LEARNED COUNSEL FOR
PETITIONER – ARJINDER SINGH***

4. Learned counsel for the petitioner in asking for pre-arrest bail on behalf of petitioner-Arjinder Singh, submits :-

- (i) That, in fact, the petitioner is the victim of fraud played by the co-petitioner Harwinder Singh, as by impersonating his wife Ramandeep Kaur, the sale deed in question No. 8934 dated 18.11.2022 has been executed.
- (ii) That the petitioner has no role to play as he is neither the beneficiary, nor signatory to any document requiring his custodial interrogation.

5. This Court has considered the submissions (*supra*), made by the learned counsel for the petitioners at length. The instant FIR has been registered on a complaint made by Dr. Sumit Sofat. The relevant extract of the complaint as mentioned in the reply is extracted as under:-

“(i) That a written complaint was submitted by an individual namely Dr. Sumit Sofat (hereinafter referred to as "the complainant") and the same was assigned PGD No. 274418 dated 11/12/2023. In the complaint, the complainant i.e. Managing Director of "Sofat Diagnostics & Cancer Detection Centre (P) Ltd" with its Head Office at Hira Singh Road, Ludhiana, alleged that he is the exclusive owner and in uninterrupted possession of a property measuring 3000 sq. yards situated in Village Sunet, located on Main Lodhi Road, Ludhiana. The registry and the inteqal (mutation) of the said



property are reflected in the name of the complainant's company.

(ii). That it was alleged that an individual named Baldev Singh changed the ownership (tabdeel malkiat) of a disputed plot and adjacent roads in Village Sunet to his son named Sandeep Singh, who then transferred the ownership back to Baldev Singh. Subsequently, Baldev Singh transferred the ownership of the said plot to his other son namely Arjinder Singh, who then transferred it to his wife, Ramandeep Kaur. So finally, Ramandeep Kaur became the owner of the Property on the name of one Baldev Singh.

(iii) That the complainant further alleged that through a Sale deed bearing Vasika No. 8394 dated 18.11.2022, Ramandeep Kaur (impersonated by Ikwinder Kaur) sold this plot, measuring 3000 sq. yards, to four individuals named (1) Gurmail Singh, (2) Nirmal Singh, (3) Harwinder Singh (the present petitioner), and (4) Varun Jain. It was stated that the afore-mentioned plot is located in Mushtil No.79 of Village Sunet which fall in the roads. Additionally, the plot in Mushtil No. 79 is under civil litigation in the Civil Suit No. CS-4792-2017 titled as Gurmandeep Kaur versus Baldev Singh and Others and the Ld. Civil Judge Junior Division (CJJD), Ludhiana, vide order dated 18.01.2023, has stayed the further alienation of the property during the pendency of the present Civil Suit. It is pertinent to mention here that Ramandeep Kaur is also party in that suit as a defendant.

(v) That after obtaining this Order, the accused persons allegedly alienated the disputed property to four different persons which is like as: (1) Accused Harwinder Singh sold land measuring 193 Sq.yds to one Sanjeev Kumar Gupta vide registered sale deed bearing No.11032 dated 18.01.2023 (on the day he obtained stay order from the Ld. Civil Court), (2)



Accused Gurmail Singh Dhaliwal sold land measuring 193 Sq.yds to the same Sanjeev Kumar Gupta vide registered sale deed bearing No.12546 dated 14.02.2023, (3) Accused Nirmal Singh sold land measuring 193 Sq.yds to M/s Miluk Infratech, New Delhi (owned by same Sanjeev Gupta) vide registered sale deed bearing No.12545 dated 14.02.2023, and (4) Accused Nirmal Singh and Gurmail Singh Dhaliwal jointly sold land measuring 193 Sq.yds to the abovesaid Varun Jain vide registered sale deed bearing No.13690 dated 07.03.2023. In this manner, total land measuring 772 Sq.Yds. has been sold by the accused persons after obtaining stay order from the Hon'ble Court.

(vii) That it is further alleged that the Tateema of the Sale Deed was carried out on 11.09.2023, by the accused Harwinder Singh, at a later stage, only with an intent to save himself from the offence committed by him earlier, in the form of fraudulent sale transactions.”

6. On the basis of the complaint *supra*, a preliminary inquiry of the above mentioned complaint was conducted by ADCP (Invesigation), Ludhiana, and the following aspect surfaces, as mentioned in the reply and the same is extracted as under:-

“(i). That the complainant (Dr. Sumit Sofat), had purchased a plot measuring 3 Kanals and 18 Marlas through sale deed Vasika No. 7981 dated 24.08.2001 from one Harwinder Kaur daughter of Gurbhajan Singh and wife of Surinder Singh, situated in Village Sunet. This property is comprised in Khata No. 720/817, Khasra No.89//14/2/2/2, 17/1/2 as per the Jamabandi for the year 1996-97, with the dimensions/boundaries mentioned in the sale deed as



follows: North: Road 19 karam, South: Neighbor Bakadar 19 karam, East: Ajmer Singh Bakadar 37 karam, and West: Avtar Singh etc. Bakadar 37 karam.

vi. That, moreover, during the preliminary investigation, the statement of Ashwani Jolly (document writer) was recorded on 12.04.2024. In his statement, he stated that he had typed the sale deed dated 18.11.2022, wherein the dimensions were initially mentioned as North: Road 111 Foot, South: Neighbor 102 Foot 6 Inch, East: Surjit Singh Bakadar 244 Foot, and West: Sukhdev Singh Bakadar 283 Foot. Thereafter, the parties, i.e., Arjinder Singh, imposter Ramandeep Kaur (Ikkwinder Kaur), and all the purchasers (Harwinder Singh, Nirmal Singh, Gurmail Singh Dhaliwal, and Varun Jain), informed him that the dimensions had been wrongly mentioned. Consequently, he, on the asking of all the parties, retyped the dimensions as North: Road 107 Foot, South: Neighbor 119 Foot 8 Inch, East: Surjit Singh 246 Foot 9 Inch, and West: Ajmer Singh Bakadar 246 Foot 5 Inch, and provided a new printout. He further stated that when he asked them to return the previous printout, they claimed that they had torn it off.”

7. On perusal of the above preliminary inquiry, it reflects that petitioner Harwinder Singh got produced his acquittance Ikwinder Kaur as Ramandeep Kaur (his wife), and executed the instant sale deed. Therefore, it is not under dispute that the sale deed was executed by impersonation by Ramandeep Kaur. Secondly, the dimension of the property as mentioned in the initial sale deed executed on dated 18.11.2022 are different, and thereupon a supplementary sale deed was executed, that too on the same



stamp paper, whereby, the dimension of the property has been changed. Even the civil suit which was preferred by the petitioners in order to obtain the stay, they referred the dimensions of the neighbours of the complainant in order to grab his property. On study survey of the entire complaint, it is transpired that the petitioners have tried to take benefit of this aspect that the land in question fell under Khasra No. 89 and 79 and cannot be demarcated on account of heavy populated area, and it is further reflected that the market value of the property is in crores of rupees, and in order to grab the property belonging to the complainant, Arjinder Singh by hatching a criminal conspiracy with Harwinder Singh got executed sale deed by impersonating Ikwinder Kaur, as his wife Ramandeep Kaur. So far as the submissions by the learned counsel for the petitioners regarding execution of sale deed by paying sale consideration is also found to be false during investigation. The relevant part of the investigation reads as under:-

“10. That it is pertinent to mention that in the portion of the land purchased by the Vasika No. 8934 dated 18.11.2022, it is stated that the petitioner, for the land measuring 416.67 sq. yards Petitioner vide Scribe No.8394 dated 18.11.2022, the Petitioner Harwinder Singh had shown the consideration paid through different Cheques bearing No. 563009, 563010, 563011, 563012, and 563013, all dated 17.11.2022 drawn in favor of Ramandeep Kaur. During the course of the investigation, it came to light that the abovesaid cheques were presented to one Saving Bank Account No. 41672744520 was opened on 15.02.2023 on the name of one Ramandeep Kaur wife of Sukhwinder Singh resident of Village 2FDB, Ganganagar, Rajasthan and the abovesaid cheques were present for encashment on 16.02.2023. On



17.02.2023, a cash amount of Rs.50,000/- was withdrawn and on the same very day, an amount of Rs.8,70,023 was transferred to another Bank Account through NEFT. And another amount of some denomination has been withdrawn in cash on different dates. The investigating agency is currently tracing the money trail from the account of Ramandeep Kaur, which was opened on 15th February 2023. However, the fact that the cheques issued by the petitioner were not presented by the seller for three months after the registration of the sale deed speaks volumes about the petitioner's complicity in the fraudulent scheme.

11. That, from the afore-mentioned facts it is evident that sale deed bearing Vasika No. 8394 dated 18.11.2022 was registered by an Imposter Ramandeep Kaur (Ikkwinder Kaur) in connivance with Arjinder Singh. Additionally, there exist two sale deeds bearing the same Vasika No.i.e. Vasika No. 8934 and Stamp Paper numbers both signed and stamped, one of them was used by the petitioner before the Ld. CJJD, Ludhiana, to obtain a stay against the complainant. Moreover, despite the existence of two operative stay orders of 2021 and 2023, the petitioner and other alleged buyers managed to further sell the land in question. Furthermore, the cheques the petitioner allegedly issued to purchase the land were not presented for four months even after the registration of the sale deed, raising further suspicion.”

8. From all the above facts, which prima facie, surfaces during inquiry/investigation, clearly reflect that the petitioners entered into a criminal conspiracy to usurp the land of the complainant, and thereafter, they have obtained an ex-parte stay order against him. Further they have the audacity to come to this Court to say that they have no concern with the property of the complainant whereas the fact belies from the fact that in the civil suit they have filed, they have referred the boundaries of the



neighbours of the complainant in order to restrain him not to enter in his own property.

9. In view of the above detailed facts, and considering the fact that there is no dispute that the instant sale deed was executed by impersonating Ramandeep Kaur which, in fact, facilitated by Harwinder Singh by producing Ikwinder Kaur. In view of the above, considering the seriousness of the allegations, this Court is not inclined to grant the relief of anticipatory bail, and both the petitions are, therefore, **dismissed**.

August 05, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No