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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: 30th August, 2024

Daljit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashok Paul Batra, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Mr. Sunil Chadha, Sr. Advocate with
Mr. Akshay Chadha, Ms. Taanvi Dhull and Mr. Raghav Chadha,
Advocates for the complainant.

MANISHA BATRA, J (ORAL):-

The instant petition seeking grant of pre-arrest bail in case bearing FIR No. 151 dated 30.04.2024 registered under Sections 420, 406, 465, 467, 468, 471 and 120-B of IPC, 1860 at Police Station Zirakpur, District Mohali.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint filed by the complainant Alamjit Singh Mann alleging therein that in the year 1998, he had purchased two plots bearing No. 14 and 15 at Singpura Bhuda Joint Farming Society, Village Singpura. Allotment of

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these plots was made in his name. In the year 2005, the society after taking transfer fee, transferred the plot No. 14 in the name of the complainant. However, accused Subhash Nagpal, who was Secretary and accused Iqbal Sandhu who was President of the above named society in collusion with other members, prepared some fake papers and transferred half of the plot bearing No. 14 in the name of one Gurdeep Kaur. On coming to know about this fact, the complainant filed a suit in civil Courts, Derabassi. Despite passing of the stay order, accused Rajesh Bansal, Anil Kumar, Sunil Bansal, Sunita Bansal, Ajrun Das Bansal, Ravinder Singh Sandhu and Veena Goyal executed sale deeds in respect of 4000 sq. yards of land from the joint khata of the property wherein the plot of the complainant was existing. He further alleged that the sale deeds were executed by the above named persons by conniving with the present petitioner who was posted as Halka Patwari of village Singhpura at the relevant time. He had given false report that no case was pending qua the land in question and it was not subject to any encumbrance. Non encumbrance certificate was issued on misrepresentation of true facts and the co-accused got change of Land User Certificate (CLU). The co-accused Rajesh Bansal etc. had been trying to sell the land in dispute after receiving earnest money. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, SAS Nagar (Mohali) which was dismissed vide order dated 30.05.2024.

3. It is submitted in the petition and it has been argued by learned



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counsel for the petitioner that he has been falsely implicated in this case. He had joined as Halqa Patwari, Village Singpura on 02.05.2022. His predecessor had prepared copy of *jamabandi* one of which had been submitted with the office of Collector of Sadar Kanoongo of the District. An entry was made in the *jamabandi* vide rapat No. 333 dated 04.12.2018 regarding pendency of a civil suit qua the property in question. However, the previous Patwari had made a wrong report at item No. 10 of the *jamabandi* entries showing that no case was pending qua the said land. It is submitted that as per the rapat No. 793 dated 24.12.2020, the rapat No. 333 was shown as redeemed/deleted and this fact was mentioned in the revenue record as well in the form of *jamabandi* for the year 2013-14. It is submitted that subsequently, the entries regarding rapat No. 333 and 313 depicting the pendency of suit were wrongly entered on computerization of the record and in the *jamabandi* for the year 2018-2019, entry regarding pendency of litigation qua the disputed property was mentioned.

4. It is further argued by learned counsel for the petitioner that the complainant had filed three civil suits during the year 2018-19. The civil suit bearing No. 556 of 2018 titled as 'Alamjit Singh Vs. Ravinder Singh dismissed on 14.12.2023 and civil suit bearing CNR No. PBSAB00001022018 bearing CS No. 93 of 2018 titled as 'Alamjit Vs. Gurpreet Kaur' was dismissed as withdrawn on 21.10.2023. It is argued that the entries in the rapat No. 333 qua maintaining status quo with regard to the property in dispute had been removed by the previous Patwari and not by the petitioner. Neither there was any *malafide* on his part nor he had intention to



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cheat anybody. No forgery has been committed by him. The ingredients for commission of offences under which he has been booked, are missing in this case. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him, as the case qua him is based upon documentary evidence which is already in possession of the investigating agency. With these broad submissions, it is urged that he deserves to be extended benefit of pre-arrest bail.

5. Status report has been filed by the respondent-State. The complainant has appeared through counsel and copies of certain orders passed in the Civil suits as filed by the complainant have also been placed on record. It is submitted in the status report and it has been argued by learned State counsel assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner. After receipt of complaint, inquiry was conducted in the matter and it has been revealed that despite passing of stay order by the civil court, Derabassi with regard to the share of the complainant in the joint land wherein the plots purchased by him were existing, the co-accused Rajesh Bansal etc. had executed sale deed of 4000 sq. yards of land from their joint khata. It is argued that the petitioner by conspiring with the co-accused had reported false fact to the effect that no court case was pending, neither there was any encumbrance upon the disputed plot and due to the said false report, non encumbrance certificate has been issued in favour of the above named Rajesh Bansal etc. and they also procured CLU qua 4000 sq. yards of land. The petitioner had made report after checking the *jamabandi* on 19.04.2023, while ignoring the



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fact that in the latest *jamabandi* pertaining to the year 2018-19, the factum of pendency of civil suits filed by the complainant was very much reflected. It is argued that in connivance with the petitioner, the co-accused got prepared forged document of the share of land of the complainant and thereby cheated the complainant and also committed offence of forgery. It is further submitted that the custodial interrogation of the petitioner is must for going to the root of the matter. Hence, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. It has not been disputed by the petitioner that he was posted as Halka Patwari of village Singpura on 19.04.2023 and had prepared a report to the effect that the property in dispute was free from any encumbrance and no litigation was pending qua the same. The petitioner has placed on record Annexure P-4 copy of *jamabandi* for the year 2018-19 that a rapat No. 333 was made on 04.12.2018 with regard to the status of civil suit bearing CNR No. PBSAB00001022018 titled as 'Alamjit Singh Vs. Ravinder Sandhu and others'. He has further placed on record Annexure P-5 extract of the rapat *rojnamcha* register as maintained by the revenue officials and a perusal of rapat No. 793 reveals that entry regarding filing of civil suit titled as 'Alamjit Singh Vs. Ravinder Sandhu' had been made in the same. Learned counsel for the petitioner has drawn the attention of this Court towards the entry made against the rapat No. 792 showing that the order of status quo as



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passed in civil suit titled as 'Alamjit Singh Vs. Ravinder Singh Sandhu' bearing No. CS-1052/2018 had been ordered to be redeemed as on 21.11.2018. It is submitted by learned counsel for the petitioner during the course of arguments that since practically the *jamabandi* for the year 2018-19, was not uploaded after computerization, till the date of giving report by him and it was only the *jamabandi* for the year 2013-14 that was available and an entry regarding redeeming of the order passed in above mentioned suit had been made as rapat No. 333 by the previous Patwari, therefore, following that entry, report had been made by the present petitioner. However, at this stage, there is nothing on record to presume that the *jamabandi* for the year 2018-19 was not available at the relevant point of time. It has also been revealed that in the said *jamabandi*, the civil suit titled as 'Alamjit Singh Vs. Ravinder Sandhu and others' was shown to be very much pending. The petitioner has not been able to explain as to why, he took support of the entry made in the *jamabandi* in the year 2013-14 instead of going through the latest *jamabandi* pertaining to the year 2018-19, which was having details about the pendency of civil litigation qua the said property. As such, it cannot be ruled out at this stage that he had connived with the co-accused while issuing a wrong report that the land in dispute was free from encumbrance and no litigation was pending qua the same though not only one civil suit as mentioned above but several other cases were pending qua the said property and orders qua maintaining status quo etc. had also been passed qua the same.

8. It goes without saying that the petitioner being a revenue



official was expected to be cautious enough while giving report as to the status of the property in dispute. His complicity in the subject crime is *prima facie* reflected from the record. As such, for the purpose of conducting thorough and proper investigation in the matter, his custodial interrogation is must. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does



not deserve to be allowed. Accordingly, the same is dismissed.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

30th August, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |