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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH  
\*\*\*

CRM-M-34410-2024  
Date of decision : 29.07.2024

Parbodh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR.JUSTICE VIKAS BAHL**

Present: Mr.Vishal Munjal, Advocate  
for the petitioner.

Mr.Puru Jarewal, Asst.A.G. Punjab.

Mr.Onkar Singh Batalvi, Advocate  
for the complainant.

**VIKAS BAHL, J.(ORAL)**

1. This is the first petition under Section 483 of The Bharatiya  
Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in  
FIR no.0012 dated 24.01.2022 registered under Sections 419, 420, 465, 466,  
467, 468, 471, 120-B IPC (45 of 1860) at Police Station Sujampur, District  
Pathankot.

2. Learned counsel for the petitioner has submitted that the main  
accused in the present case i.e., Renu Sharma, Manoj Kumar and Amarjit  
Singh, Lambardar have been granted regular bail vide two separate orders  
passed in CRM-M-55603-2022 decided on 06.12.2022 and CRM-M-44504-  
2022 and CRM-M-40528-2022 decided on 17.11.2022 and the said orders

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have not been challenged either by the State or by the complainant any further. It is submitted that the petitioner is not the beneficiary in the present case and has been in custody since 09.05.2024 and the entire case is based on documents and thus, the custodial interrogation of the petitioner is not required any further.

3. It is argued that the petitioner was performing the duties of a computer operator in the office of Tehsildar Pathankot and his role was only to click the photograph of the parties in the sale deed and not to verify the person who had come for the photograph or to see any document to verify that the person who was appearing for the photograph was the same person who was the owner of the property. It is further argued that the procedure for registration of the sale deed is that firstly the Vasika Navis scribes the sale deed and thereafter presents the same before the office of the Sub Registrar and the Sub Registrar thereafter marks the same to the registration Clerk. It is further submitted that the registration Clerk is required to check the sale deed and then submit the same before the Sub Registrar again and it is the Sub Registrar who verifies as to who is the buyer and the seller and as to whether genuine persons appeared before him and thereafter the sale deed is sent for photographs of the said persons and it is the duty of the petitioner to only click the photograph of the persons without verifying as to who are the actual buyer and seller.

4. It is further argued that initially one FIR no.326 dated 21.10.2017 was registered by Manoj Kumar (main accused) against Suresh Mahajan and Shweta Mahajan, who belongs to the complainant party and

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that a complaint dated 26.10.2017 was given by Shweta Gupta (Shweta Mahajan) and Suresh Mahajan to the Senior Superintendent of Police, Pathankot, in which, allegations similar to the allegations which have been levelled in the present FIR were made. It is contended that subsequent to the registration of FIR No.326 and giving of the aforesaid complaint, compromise deed dated 20.03.2018 was entered into between Manoj Kumar and his wife Renu Sharma and Suresh Mahajan and Shweta Gupta (Shweta Mahajan) and as per the said compromise, it had been decided between both the parties that Manoj Kumar would not pursue his FIR No.326 and Suresh Mahajan and Shweta Gupta would not pursue their complaint. It is argued that in compliance of the said compromise, Manoj Kumar did not pursue the FIR and accordingly, cancellation report was submitted in FIR No.326. It is further argued that in violation of the said compromise, said Suresh Mahajan got registered FIR No.794 dated 17.11.2019 at Police Station Samaipur Badli, District Outer North under Section 381 of IPC, in which, it had been alleged by him that Manager Sulkhan Singh had taken the original papers of his property in Delhi as well as property in Punjab which is the subject matter of the dispute in the present FIR. It is submitted that a detailed inquiry was conducted on the aspect of impersonation with respect to the sale deed dated 01.02.2016 and it was found that there was no material against Manoj Kumar and his wife Renu Sharma and accordingly, cancellation report dated 16.03.2020 was submitted. It is also contended that after the same, the complainant got the present FIR registered on 24.01.2022 i.e. FIR No.12 at Police Station Sujampur, District Pathankot, on

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the same allegations, regarding which, the complaint dated 26.10.2017 had been filed and regarding which, in FIR No.794 of 2019, the enquiry had been conducted. It is also argued that although, as per the FIR, there are allegations which have been levelled to the effect that wife of Manoj Kumar i.e. Renu Sharma had impersonated Shweta Mahajan and had sold the land in question measuring 17.5 marlas situated at Village Mamun, District Pathankot but the signatures on the sale deed dated 01.02.2016 were of Shweta Gupta and the said signatures had not been denied by Shweta Gupta. It is stated that Suresh Mahajan had filed civil suit dated 15.10.2020 against Manoj Kumar and other persons challenging certain sale deeds but the aforesaid sale deed dated 01.02.2016 had not been challenged in the same.

5. Learned counsel appearing for the State has submitted that although the petitioner was also involved in the forgery of the sale deed but since relevant documents have already been recovered, thus, he is not required for any further investigation.

6. Learned counsel appearing for the complainant has submitted that Shweta Mahajan was the owner of the land measuring 17.5 marlas in Village Mamun at Pathankot and Renu Sharma, wife of Manoj Kumar, had impersonated her and had got the sale deed dated 01.02.2016 executed in favour of Neelam Kumari. It is further submitted that Shweta Mahajan had also filed a civil suit i.e. Civil Suit No.1125 of 2021, in which, the present sale deed had been challenged and the said civil suit is pending. It is stated that the present petitioner was a computer operator and he along with one Daniel Masih, who was the registration Clerk, had colluded with the other

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accused and had got the sale deed registered, which earlier had photographs of impersonators and the same were subsequently replaced with those of the complainant.

7. This Court has heard the learned counsel for the parties and has perused the paper book.

8. It is not in dispute that Manoj Kumar and Renu Sharma are the main accused in the present case. Manoj Kumar has been granted bail vide order dated 17.11.2022 along with Amarjit Singh @ Amarjit. The relevant portion of the said order is reproduced hereinbelow:-

*“This Court has heard the learned counsel for the parties and has perused the paper book.*

*It is the case of the complainant that Civil Suit No.1125 of 2021 has been filed by Shweta Mahajan, who is the complainant in the present case, challenging the sale deed dated 01.02.2016. The question as to whether the said sale deed has been duly executed or not and also as to whether Shweta Gupta (Shweta Mahajan) had signed the same or not, would be finally adjudicated in the said civil suit. It is the case of the petitioners that earlier FIR No.326 dated 22.10.2017 was got registered at Police Station Nurpur, Kangra, Himachal Pradesh by the petitioner-Manoj Kumar against Shweta Mahajan and Suresh Mahajan and complaint dated 26.10.2017 (Annexure P-3 in CRM-M-44504-2022) was also filed by the present complainant as well as her husband levelling the same allegations as have been levelled in the present FIR and subsequent to the same, the matter had been compromised vide compromise deed dated 20.03.2018 (Annexure P-4 in CRM-M-44504-2022) and both the parties had decided not to pursue their respective complaint/FIR and*



*on account of same, in FIR No.326 of 2017, the cancellation report had been submitted. It is further their case that in violation of the said compromise, the present FIR has been registered. The petitioner-Manoj Kumar is in custody since 15.04.2022 and petitioner-Amarjeet @ Amarjit Singh is in custody since 25.01.2022 and the investigation is complete and challan has been presented and out of 14 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time. The entire case is based on documents and also has civil trappings and thus, no useful purpose would be served by keeping the petitioners in further incarceration.”*

9. Renu Sharma has also been granted regular bail by this Court vide order dated 06.12.2022 passed in CRM-M-55603-2022. It is not in dispute that both the orders have not been challenged by the State or by the complainant before the Hon'ble Supreme Court. The petitioner has been in custody since 09.05.2024 and as per the stand of the State, he is not required for further investigation as the entire case is based on documents and the said documents are already in possession of the State and even the report under Section 173 Cr.P.C. has been filed against the other co-accused. It is the case of the petitioner that he is not a beneficiary of the transaction and that his duty was only to click the photographs and that he had no role in verifying the fact as to whether the true buyer and true seller were the ones, who were getting the photographs clicked and that the said duties were of the Sub Registrar. The counsel for the complainant has made contrary allegations against the petitioner on the said aspect. This Court does not wish to give any final opinion on the said aspect as the same would be



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considered during the course of trial. However, since the entire case is based on documentary evidence and the petitioner has been in custody since 09.05.2024, this Court is of the opinion that no purpose would be served by keeping the petitioner in further incarceration.

10. Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

11. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

12. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)  
JUDGE

July 29, 2024  
Davinder Kumar

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |