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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36845-2024

Date of Decision : 15.10.2024

RAMAN LAL

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Amit Sharma (Kanav), Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J.(Oral)

Apprehending arrest the petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.0005 dated 06.04.2024 under Sections 457, 380, 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station NRI (Jalandhar), District Police Commissionerate Jalandhar.

2 Succinctly the facts are that the complainant, namely Sukhdev Singh, along with co-complainants namely Ravinder Singh and Sonu Kaur, alleged that he is the owner in possession of Plot No. 19 situated at Master Colony, Ashok Vihar, Salempur Musalmana, Jalandhar, which was purchased by him from Jaswinder Kaur. It is further alleged that the petitioner, Raman Lal, along with other co-accused, attempted to demolish the boundary wall, and committed theft of iron gadars while attempting to take possession of the plot by using forged and fabricated documents to support their illegal actions.



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3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by Ravinder Singh with malicious intentions and to harass the petitioner and is using criminal proceedings to extort money. He also submits that the petitioner has not committed any offence and that the allegations, including trespassing, theft, and forgery, are baseless. The matter pertains to a legal will executed by Jatinder Singh in favor of Mandeep Kaur, which was settled in a civil court. The petitioner is not involved in any criminal case.

4. Learned State counsel while referring to status report dated 13.08.2024 contends that petitioner has a history of indulging in similar acts of committing offences against properties belonging to NRIs. In present case, the petitioner is accused of demolishing the walls of the complainant's plot No. 19 and stealing materials. Additionally, there are allegations of death threats issued to Ravinder Singh, who lives in England, warning that the petitioner would harm him if he returned to India due to a dispute over the sale of property using fabricated documents. Another complaint was made by Sonu Kaur, the sister of the deceased Jatinder Singh, alleging that the petitioner and others conspired to forge the wills and transfer documents to unlawfully receive the property in dispute, valued at over 10 crores. On the basis of these complaints, an FIR was registered, and a Special Investigation Team (SIT) was formed. The investigation revealed that Jatinder Singh had visited India briefly in 2018, contradicting the claims in the forged wills. Additionally, the petitioner provided false information to the Revenue Department, leading to the addition of charges under Section 82 of the Registration Act. He submits that custodial interrogation of petitioner is necessary due to the petitioner's role in the conspiracy, including the preparation of forged wills, and



the case is based on these allegations. The petitioner has several other FIRs registered against him, indicating a pattern of alleged criminal behavior:

1. **FIR No. 336 dated 21.12.2009** - Registered under Sections 382 and 427 of the IPC at PS Sadar Hoshiarpur.
2. **FIR No. 123 dated 21.07.2017** - Registered under Section 420 of the IPC at PS Sadar Hoshiarpur. The accused was acquitted due to a compromise between both parties.
3. **FIR No. 20 dated 13.08.2013** - Registered under Sections 448 , 506, 511, and 34 of IPC at PS NRI, District Hoshiarpur. The accused was acquitted due to a compromise between both parties, after the challan was presented to the Illaqa Magistrate on 31.05.2014.
4. **FIR No. 15 dated 13.03.2020** - Registered under Sections 406 and 420 of the IPC, as well as Section 13 of the Punjab Travel Professional Act at PS Balachaur, SBS Nagar.
5. **FIR No. 90 dated 21.07.2016** - Registered under Sections 406 and 420 of the IPC at PS City Hoshiarpur.

5. Heard the rival submissions made by learned counsel for the parties.

6. In ***Siddharam Satlingappa Mhetre v. State of Maharashtra***¹, (2011) **1 SCC 694**, Hon'ble Supreme Court considered the principles established by the Constitution Bench in ***Gurbaksh Singh Sibbia v. State of Punjab*** (1980) **2 SCC 565** case. After a thorough deliberation, the Court arrived at the following conclusion:

"112. The following factors and parameters can be taken into consideration while dealing with anticipatory bail:

(i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;



(ii) *The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*

(iii) *The possibility of the applicant to flee from justice;*

(iv) *The possibility of the accused's likelihood to repeat similar or other offences;*

(v) *Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*

(vi) *Impact of grant of anticipatory bail, particularly in cases of large magnitude affecting a very large number of people.*

7. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, Courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

8. In ***Jai Prakash Singh Vs. State of Bihar and another : (2012) 4 SCC 379***, Hon'ble Supreme Court held that anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty.

9. In ***P. Chidambaram Vs. Directorate of Enforcement (SC) : 2019(4) R.C.R.(Criminal) 875*** Hon'ble Supreme Court observed as under :

“67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C., 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the prearrest bail should be granted only in exceptional cases. 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 justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

10. There are serious allegations against the petitioner, including fabricating forged documents to seize valuable property and issuing death threats to the complainants. The investigation has revealed discrepancies in the Wills and false information provided to authorities, highlighting the need for custodial interrogation. Additionally, the petitioner has a history of involvement in criminal cases, including forgery, cheating, and property-related offenses, as evidenced by prior FIRs. This pattern of behavior further demonstrates that the accused is not entitled to the concession of bail, as there is a clear risk of him engaging in similar offenses or tampering with evidence if released.

11. In view of the aforementioned discussions and in view of the serious allegations levelled against the petitioner and to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

12. Accordingly, this petition is **dismissed**.

15.10.2024

Kavita

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No