



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-36627-2024
DATE OF DECISION: 01.08.2024

JAGJEET SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Charitr Kadyan, Advocate for
Mr. V.K. Kaushal, Advocate for the petitioner(s).
Mr. Rajiv Verma, DAG, Punjab.
Mr. B.S. Mann, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.38 dated 16.04.2024, under Sections 419/420/465/466/467/468/471 IPC, 1860 registered at Police Station NRI, District Police Commissionerate, Amritsar.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

‘A complaint YID No. 2403483 of Paramjit Kaur daughter of Savinderpal Singh resident of Amritsar has given to Hon'ble Additional Director General of Police,, NRI Wing SA Nagar, the contents of which are that: To the Hon'ble Additional Director General of Pole, NRI Wing, Phase-VII, Amritsar. Subject:- Complaint for registration of case under section 420,468,467,471,120-B of IPC against 1) Karnai Singh son of



Mukhtiar sikh resident of 10-AQ Amritsar at present residing at house No. 111, Stret No. 3, C-Block, Libaspur, Uttar West Delhi, 2) Jagjit Singh son of Baljinder Singh resident of village Uchoke Khurd (Udoko), District Amritsar 3), Harwinder singh son of Sarup Singh resident of Rajasansi, District, Amritsar 4) Joginder Singh Numberdar resident of Rajasansi and to provide justice to the complainant. Sir, it is requested that I, Paramjit Kaur daughter of Sh. Savinderpal Singh, requesting you that I am Citizen of 3427MORSE MERRY MAN Road South East Olympia Washington 98501 USA and I am NRI. My ancestral village Rajasansi, Tehsil Ajnala District Amritsar and presently I am in India. I have appointed Sh. Sukhdev Singh Bajwa, Advocate, resident of H. No. 46, Sri Guru Ramdass Avenue, Ajnala Road Amritsar as my General Power of Attorney and I have authorized my General Power of Attorney to contest and to pursue my all cases, therefore he is also complainant in this complaint being General Power of Attorney. I and my sister Kuljeet Shally and Jagroop Kaur are owners of the land situated in Rajasansi, Tehsil Ajnala district Amritsar and this land is received to us as succession of our father who has died. The said land is measuring 43 Kanals 10 Marlas and later on some land measuring 9 Kanals 14 Marlas out of this land was acquired by the Airport Authority and we had received compensation of the same. There was dispute rearing succession of this land between my father and his Bharjai Rajinder Kaur widow of Sudarshan Singh and my father had filed a suit against her on 21.05.1999, which was decided in favour of my father and on 16.04.2021, my father had mortgaged the said land against the amount of Rs. 25000/- in favour of Daljit Singh son of Jasvir Singh. After the death of my father, the succession mutation of this land was entered in favour of we are three sisters and our mother, now my mother has also died and we three sisters are owners of this land. We had filed a case on 11.04.2016 against above said Daljit Singh in the court of Sub Divisional Magistrate-cum-



Collector to get the said land relieved from mortgage (Fak) and same was decided in our favour on 18.11.2022. Later on Daljit Singh has died and his heirs did not comply with the said order and filed objection regarding the said order, which was dismissed by the court of Sub Divisional Magistrate-cum-Collector vide order dated 07.08.2023. After dismissal of said objection, Karnail Singh through General Power of Attorney Jagjit Singh has filed a case on the basis of sale deed dated 14.07.1997 and get the exparte stay order from the Hon'ble court of Smt. Manpreet Kaur and got entered the Rapat No. 17 dated 06.09.2023 in the Jamabandi and when we came to know about this sale deed then we appeared in the Hon'ble court and filed reply and requested Jagjit Singh General Power of Attorney to present the original sale deed in the Hon'ble court but he could not present the original sale deed in the Hon'ble court. Later on the Hon'ble court has vacated the stay granted in his favour and I got the certified copy of said sale deed on 23.10.2023 and I came to know that this sale deed has been got executed on 14.07.1997 by affixing the fake signature of my father and got executed from the office of Sub Registrar, Amritsar -I vide document No. 3762 dated 14.07.1997 in connivance with the witnesses of said sale deed, where as the land is situated in Rajasansi and the Tehsil was Ajnala and all documents were registered with Sub Registrar, Ajnala. The accused have intentionally got executed this sale deed through their known Tehsildar Amritsar. In this regard, I had shown the documents bearing original signature of my father and the copy of said sale deed dated 14.07.1997 to the Hand Writing Expert Sukhjinder Singh and the handwriting expert has mentioned in his report dated 25.10.2023 that the fake signature of Savinderpal Singh are present on the sale deed dated 14.07.1997 which does not match with the original signatures. The above said accused did not present this original sale deed before any officer. It is also pertinent to mention here that if any sale deed



was executed by father then why he has filed case in the year 1999 and how he has mortgaged his land in favour of Daljit Singh no. 16.04.2001 and Karnail Singh has not filed claim to get any compensation from the Authority. Since this sale deed dated 14.07.1997 is fake, therefore the accused have not present the same before any authority and after relieving (Fak) of this land when the court of Sub Divisional Magistrate has passed order for warrant of possession then he has present the same so that we could not get the possession of this land. This entire conspiracy is done by all the accused in connivance to each other and to get undue personal benefits with the aim to usurp the land and to cause financial loss to us, in which regard, all the evidences are with us. Therefore you are requested that the punishment be given to the accused persons for their offences by registering case against them and justice be provided to us. Applicant Sd/ Paramjit Kaur daughter of Sh. Savinderpal Singh, resident of 3427 MORSE MERRYMAN ROAD SOUTH EAST OLYMPIA WASHINGTON 98501 USA,, village Rajsansi Tehsil Ajnala District Amritsar mobile No. +1(360)5619421, General Power of Attorney Sukhdev Singh Bajwa, Advocate resident of H. No. 46-C, Guru Amardass Avenue, Ajnala road Amritsar 998832005 Note: The report of handwriting expert is enclosed herewith. The documents of original complaints and certified copy of sale deed dated 14.07.1997. The said complaint was received the office of Assistant Inspector General of Police, NRI Wing Amritsar vide office letter No. 30274-Nodal Desk-1 dated 10.11.2023 of the office of Hon'ble additional Director General of Police, NRI Wing, SAS Nagar, Punjab, who marked this complaint for inquiry to the Station House Officer Police Station NRI Wing Amritsar, who written in his report that during inquiry of the complaint, as per the statements and record, it has found that the agricultural land measuring 43 Kanals 10 Marlas situated in Rajasansi, Amritsar was came into the share of complainant Paramjit Kaur and her sister Kuljeet Shailly and



Jagroop Kaur as succession after the death of their father Savinderpal Singh, out of this land, the land measuring 09 Kanlas 14 Marlas as acquired by the airport Authority Rajasansi Amritsar, the compensation of which was paid to complainant Paramjit Kaur. There was dispute rearing succession of this land between Savinderpal Singh and his Bharjai Rajinder Kuar widow of Sudarshan Singh and Savinderpal Singh had filed a suit against her on 21.05.1999, which was decided in favour of Savinderpal Singh and Thereafter on 16.04.2021, Savinderpal Singh had mortgaged the said land against the amount of Rs. 25000/-in favour of Daljit Singh son of Jasvir Singh.. Thereafter complainant Paramjit Kaur etc. had filed a case on 11.04.2016 against above said Daljit Singh in the court of Sub Divisional Magistrate-cum-Collector to get the said land relieved from mortgage (Fak)and same was decided in favour complainant Paramjit Kaur etc. on 18.11.2022. Later on Daljit Singh has died and his heirs had filed objection regarding the said order, which was dismissed by the court of Sub Divisional Magistrate-cum-Collector vide order dated 07.08.2023. After dismissal of said objection, Karnail Singh son of Mukhtiar Singh through General Power of Attorney Jagjit Singh son of Balwinder Singh resident of village Udoke Khurd, Amritsar General Power of Attorney has filed a case on the basis of sale deed dated 14.07.1997 in the court of Ms. Manpreet Kaur Civil Judge, Amritsar and had got the exparte stay order and got entered the Rapat No. 17 dated 06.09.2023 in the revenue Jamabandi and when complainant Paramjit Kaur etc. came to know about this sale deed then she appeared in the Hon'ble court and filed reply and requested Jagjit Singh General Power of Attorney to present the original sale deed in the Hon'ble court but he could not present the original sale deed in the Hon'ble court. The complainant Paramjit Kaur etc. got the certified copy of said sale deed on 23.10.2023 and it came to know that this sale deed has been got executed on 14.07.1997 by



Karnail Singh from the office of Sub Registrar, Amritsar -1, whereas the land is situated in Rajasansi and the Tehsil was Ajnala and in the year 1997 all documents were registered with Sub Registrar, Ajnala. After getting the certified copies of this fake sale deed, complainant has got done the comparison of signature of her father present on the said sale deed from handwriting expert Sukhjinder, the signature of Savinderpal Singh present on the sale deed dated 14.07.1997 are found to be false one, which has been proved from the record obtained in this case. Second witness of sale deed dated 14.10.1997 namely Harwinder Singh son of Sarup Singh resident of village Manawala near Chogawan, Amritsar has also recorded in his statement that these not his signatures, as per which, it has clear that the sale deed dated 14.07.1997 executed by Savinderpal Singh in favour of Karnail Singh son of Mukhtiar Singh resident of Tarn Taran road Amritsar is found to be forged one. This sale deed is presented by General Power of Attorney of Karnail Singh namely Jagjit Singh son of Baliwnder Singh resident of village Uchoke Khurd Udoke, Amritsar in the Hon'ble court of Smt. Manpreet Kaur Civil Judge, Amritsar and got the stay order in his favour and on coming to know about it, complainant Paramjit Kaur etc. has filed reply in this case in the Hon'ble court and since opposite party Jagjit Singh could not present the said sale deed dated 14.07.1997 in the Hon'ble court, therefore the said order of stay was vacated by the Hon'ble court. During inquiry, it has proved that Jagjit Singh son of Balwinder Singh resident of village Uchoke (Udoke), Amritsar has tried to grab the land measuring 33 Kanals situated at Rajasansi Amritsar of complainant Paramjit Kaur. Therefore the inquiry is to be conducted from Jagjit Singh by registering case against him that which persons were connived with him at the time of preparing this forged sale deed dated 14.07.1997. Therefore the investigation is required to be conducted by registering case under section 419,420,465,467,468,471 of IPC against Jagjit



Singh son of Balwinder Singh resident of village Uchoke Khurd (Udoke Amritsar. The inquiry report is being sent to you, if approved, t suitable order be passed in this regard. Report submitted. Sd/-ASI Vijay Kumar, Police Station NRI Amritsar, the Station House Officer, Police Station got agreed with the said report and has written the inquiry officer ASI Vijay Kumar has identified the points of inquiry and I am agreed with the same. Therefore the inquiry is to be conducted from Jagjit Singh by registering case against him that which persons were connived with him at the time of preparing this forged sale deed dated 14.07.1997. Therefore the investigation is required to be conducted by registering case under section 419,420,465,467,468,471 of IPC against Jagjit Singh son of Balwinder Singh resident of village Uchoke Khurd (Udoke), Amritsar. The inquiry report is being sent to you, if approved, the suitable order be passed in this regard. Report submitted. Sd/- Inspector Jagjit Singh, Station House Officer, Police Station NRI Amritsar. The above said complaint along with inquiry report has been sent to the Deputy Superintendent of Police, NRI wing, Amritsar vide memo No. 900-5C dated 30.03.2024 of the Police Station, who sent the said complaint along with inquiry report for suitable order to Assistant Inspector General of Police, NRI wing Amritsar. The Assistant Inspector General of Police, NRI wing Amritsar, while agreeing with the said report, sent the said inquiry report along with complaint vide his office memo No. 1749-5AP dated 01.04.2024 for suitable order to Hon'ble Additional Director General of Police, NRI Wing Amritsar, who further submitted the said inquiry report along with complaint before Hon'ble Assistant Inspector General of Police, NRI Wing, HQ and Hon'ble Assistant Inspector General of Police, NRI Wing, HQ has written "DA, Legal to opine. Sd/- A.I.G, NRI, HQ, dated 04.04.2024, and the DA Legal has written in his opinion that Subject: Report regarding complaint UID No. 2403483 of Paramjit Kaur daughter of Savinderpal Singh



resident of Amritsar. Memo No. 308/DA/NRI dated 08.04.2024. Subject: The complaint mentioned under subject is given by Paramjit Kaur, report No. 308/DA NRI dated 08.04.2024 of said complaint, and inquiry report dated 01.04.2024 of the Hon'ble Assistant Inspector General of Police, NRI Wing, HQ. Amritsar and other concerned record has been examined by me. Allegations leveled in the complainant: complainant Paramjit Kaur has written in her complaint that opposite party Jagjit Singh etc. has prepared a fake sale deed of his father. The recommendations made by the inquiry officer:- A.I.G/NRI Wing Amritsar has written in his inquiry report dated 01.04.2024 that you are recommended for registration of case under section 419, 420, 465, 466, 467, 468, 471 of IPOC against opposite party Jagjit Singh. The facts found during inquiry of the complaint: ON the basis of concerned record and the report of the inquiry officer, it has found the opposite party has tried to usurp the land measuring 33 Kanals of the complainant. The allegations against the opposite party regarding preparing fake agreement of Savinderpal Singh father of complainant, file case on the basis of said agreement and not presenting the original agreement in the Hon'ble court and cheated the complainant, the said allegations have been proved. Legal opinion: As per my opinion, if the report of Hon'ble Assistant Inspector General of Police, NRI Wing, Amritsar is based on the facts, then offence under section 419,420,465,466,467,468,471 of IPC is made out against the opposite party Jagjit Singh and during investigation, if any other fact is came in light then the sections and accused can be increased or decreased. If approved, then Station House Officer, Police Station NRI Amritsar be directed to register the case, however, the decision to be taken by you, will be final and admissible. Report submitted. Sd/- District Attorney, NRI wing, whereupon the Hon'ble Additional Director General of Police, NRI Wing SAS Nagar, Punjab has written after the opinion of DA. Legal NRI Wing that "A, approved, register FIR and



investigate as per law" Sd/- ADGP dated 09.04.2024. The above said complaint UID No 3403483 along with inquiry report received in the Police Station from the office of Additional Director General of Police, NRI Wing, Phase-VII, SAS Nagar vide memo No. 10370-Nodal Desk-1- NRI dated 10.04.2024, the case under section 419,420,465,466,467,468,471 of IPC has been registered against Jagjit Singh son of Balwinder Singh resident of village Uchoke Khurd (Udoke) Amritsar and original complaint along with inquiry report and copy of FIR has been handed over to ASI Harjit Singh No. 2282/BTL for further investigation. Officers and control room Mohali have been intimated through telephone. Copy of FIR is being sent to the Ilaqa Magistrate for intimation. Closing Rapat No. 22 dated 16.04.2024.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the petitioner is the victim of of the conspiracy at the behest of the complainant. Apart from that, there is delay of 27 years in lodging the FIR. The case set up by counsel for the petitioner is that the petitioner was only an attorney holder and not the beneficiary whatsoever and even as per the FIR, no incriminating material has been coming forth to connect the petitioner with the alleged offence.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from the Investigating Officer ASI Harjit Singh opposes



the prayer for grant of anticipatory bail on the grounds that the allegations against the petitioner are serious in nature as he has induced the complainant and others to execute the power of attorney in his favour along with sale deed and as such the complainant has allegedly defrauded the petitioner by a sale deed dated 14.07.1997. He further submits that custodial interrogation of the petitioner is must since the witnesses have also denied the signatures upon the said sale deed.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, particularly to the submission made by learned State Counsel, this Court is not in consonance with the reasons seeking custodial interrogation of the petitioner as the case is based upon documentary evidence and forgery as has been alleged, if any, is yet to be established, which can be ascertained, in case the petitioner is granted some protection at this stage. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of



Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C which are reproduced below :-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

01.08.2024
anuradha

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