



CRM-M-37683-2024

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215 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37683-2024

Jagdish Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CRM-M-27648-2024

Inderjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision : 23.09.2024

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Balram Prashar, Advocate and
Mr. Abhimanyu Kalsy, Advocate
for the petitioner(s).

Mr. Vinay Kumar, DAG Punjab

Mr. Akshay Chadha, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

1. This order shall dispose of CRM-M-37683-2024 and CRM-M-27648-2024. The facts are being taken from CRM-M-37683-2024 for the sake of brevity.

2. Apprehending arrest in FIR No.0185 dated 26.12.2023, under

Sections 406, 120-B IPC registered at Police Station Focal Point, District Police



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Commissionerate Ludhiana, the petitioner has preferred this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

3. Succinct factual narrative relevant for the disposal of the instant petition is that the aforementioned FIR was registered at the instance of the complainant (Rajesh Goyal) against three accused namely Jasbir Singh, Inderjeet Singh and Jagdish Singh on the following allegations:-

At this time one application P.H.G. No. 80699/76462 dated 08-12-2022 from Rajesh Goyal S/o Sadhu Ram Goyal R/o H. No. 870, Phase-2, Urban Estate, Focal Point, Ludhiana against Jasbir Singh S/o Kesar Singh R/o H. No. 1056, Friends Colony, Ramgarh, Chandigarh Road, Ludhiana, Inderjeet Singh S/o Late Arjun Singh and Jagdish Singh S/o Satpal Singh R/o Village Mangli Nichi, Ludhiana for registering case after enquiry has been received through post in the police station. whose contents are as following - To The Commissioner of Police, Ludhiana. Sub Complaint against 1) Jasbir Singh son of Sh. Kesar Singh (M. No. 98146-46904) R/o H. No. 1056, Friends Colony, Chandigarh Road, Ramgarh, Ludhiana. 2) Inderjit Singh son of Arjan Singh (M. No. 98784-00108) R/o Gurdeep Timber Store, Chandigarh Road, Nichi Mangli, Ramgarh, Ludhiana. 3) Jagdish Singh son of Satpal Singh (M. No. 99145-34635) R/o Village Mangli Uchi, Ludhiana for committing fraud with the applicant whereby they usurped Rs. 27,36,000/- and for extending threats to the applicant hence registration of case u/s 420/506/120- B/34 IPC & Section 82 of Registration Act. Sir, requested that the applicant Rajesh Goyal S/o Sadhu Ram Goyal R/o H. No. 870, Phase-2, Urban Estate, Focal Point, Ludhiana submits as under:

1. That the applicant came in contact with the accused no. 2 who is a property dealer regarding purchasing an industrial plot and the accused no. 2 showed him 2-3 plots including Plot No. PF-37 measuring 456 Sq. Yards comprised in Khasra No. 16/24/2, 271/3/2, 27/14, Khata No. 320/340 as entered in the Jamabandi for the year 2012-13 situated in Village Manali Nichi, locality known as Premium



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Complex, Ludhiana and since it was suitable to the applicant as such he instructed the accused no. 2 to show the documents. At this the accused no. 2 apprised that accused no. 3 who is also a property dealer was dealing from the side of owner / seller Le, accused no. 1 and the duo came to the applicant and showed a Sale Deed bearing Vasika No. 2021-22/102/12544 dated 22.6.2021 and one Fard Jabambandi which shows that accused no. 1 was owner in possession of the above said plot. Apart from this, the accused no. 3 also assured that the above said plot is free from any sorts of bar and dispute and the accused no. 1 is the lawful owner of the same as he knew him personally.

2. That thereafter the accused no. 2 & 3 arranged meeting with the accused no. 1 and during the meeting accused no. 1 claimed that he was owner of above said plot for the last several years and apprised that earlier he was having full and final Agreement to Sell of the above mentioned sale deed from its earlier owner through his Special Attorney namely Rama Tak W/o Sh. Tilak Raj Tak. Thereafter the deal was struck at Rs. 27,36,000/- (Rs. Twenty Seven Lakhs Thirty Six Thousand) and the aforesaid accused no. 1 executed and get registered the sale deed of above said plot in favour of applicant on collector rate vide Vasika No. 2021-22/102/4858 dated 2.9.2021 and the accused no. 2 & 3 put their witnesses, copy of the sale deed is attached herewith.

3. That after purchasing the above said plot the applicant erected boundary walls on the said plot and incurred about Rs. 4,50,000/- but in March, 2022 some unknown persons came and demolished the entire boundary walls of the plot however the culprits were captured in the CCTV camera recording consequently, the matter was reported to concerned police i.e. Police Post Ishwar Colony on 7.3.2022 vide Complaint No. 32/50-PP 1.C and during enquiry one person namely Gurpal/Kirpal Grewal (M.No. 8968845599) came to police post and claimed that he is the lawful owner of above said plot and he had purchased the above said plot a long back from earlier owner i.e. Rama Tak Wo Tilak Raj Tak and he was also recorded as owner in



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the revenue record. He further claimed that he with the help of certain persons had dempished the boundary walls. After verification of the documents the inquiry officer (I/O) gave him clean chit and apprised the applicant that he was defrauded by the accused persons ie property dealers and aforesaid Jasbir Singh.

4. That the applicant talked with the aforesaid accused then the accused no. 1 openly proclaimed that he would return the sale amount of Rs 27,36,000/- if he fails to prove himself at the lawful owner but he did nothing and rather kept on delaying the matter with one pretext or the other, however during last week when the applicant insisted the accused either to clear the matter or return his amount then the accused started threatening him with dire consequences if he would approach the police or any higher authority in this regard and rather warmed him to keep mum and forget his huge amount. In this way the accused persons under a conspiracy with common intentions committed fraud with the applicant whereby they managed to grab Rs 27,36,000/- Lakh of the applicant and in this way they caused wrongful gains to themselves and caused wrongful gain loss to the applicant which is a clear cut fraud & cheating and thus same is punishable u/s 420/506/120-B/34 IPC & Section 82 of Registration Act. Hence a high level enquiry is required to be conducted to unearth the whole fraud. It is therefore, prayed that a case under above said sections may kindly be registered against the accused persons and anyone other who is found involved in this matter and justice be done to the applicant. Sd/- Rajesh Goyal Applicant Rajesh Goyal S/o Sh. Sadhu Ram Goyal, Ro H. No. 870, Phase-2, Urban Estate, Focal Point, Ludhiana. M. No. 98150-30281.

Enquiry of the application was conducted by ASI Rakesh Kumar P.S. Focal Point Ludhiana who has written in its enquiry report that applicant Rajesh Goyal is in the business of export. His friend Jasbir Singh S/o Gurcharan Singh R/o H.E. Colony, Jamalpur, Ludhiana is working with Veer Brothers P.F. 36 Premiere Industry Focal, Ludhiana. The applicant had a word many times regarding



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buying LUDHIANA 2024 the plot with his friend Jasbir Singh S/ Gurcharan Singh who told him that he known of Inderjeet Singh S/o Arjun Singh R/o Gurdeep Timber Store, Chandigarh Road, Nichi Mangli, Ludhiana and he works as a property dealer. He is having office in the name of Gurdeep Timber Store at Nichi Mangli, Ludhiana. Then applicant contacted Inderjeet Singh for purchasing the plot on the asking of his friend Jasbir Singh who told the applicant that he is having one plot PF-37 measuring 456 Sq. Yds at Premiere Complex, Nichi Mangli, Ludhiana. Applicant told Inderjeet Singh to show him the plot and then Inderjeet Singh Sio Arjun Singh Jagdish Singh S/o Satpal Singh and Jasbir Singh Sio Kesar Singh came to applicant near Phase-8, J.K. Industrial Complex, Focal Point Ludhiana. Then Inderjeet Singh and others showed the Wasika No. 2021/22/102/2544 dated 22- 06-2021 and one Fard Jamabandi regarding Plot No. PF-37 measuring 456 Sq Yds situated at Premiere Complex, Nichi Mangli, Ludhiana according to which the owner of the plot was Jasbir Singh S/o Shri Kesar Singh R/o H. No. 1056, Friends Colony, Ramgarh, Chandigarh Road, Ludhiana, after verifying the facts the applicant struck a deal of the above-said plot for Rs. 25,36,000/- with Jasbir Singh S/o Kesar Singh in presence of Inderjeet Singh S/o Arjun Singh, Jagdish Singh S/o Satpal Singh and Rs. 7,50,000/- were paid/given as advance/earnest money to Jasbir Singh. On receiving the pending payment on dated 02-09-2021 the registry of the plot was got done in favour of the applicant having Wasika number 4858 dated 02-09-21. During the registry of the above-said plot Inderjeet Singh S/o Arjun Singh, Jagdish Singh S/o Satpal Singh attested the registry as witnesses. After buying the above-said plot applicant erected boundary wall on the plot but in March, 2022 some unknown persons demolished the boundary walls. The applicant came to know that registry of the above-said plot in the name of Shri Ramesh Singh S/ Bhagat Singh Rio Noorpur Rohankhas, Kangra, Himchal Pradesh which registry has been transferred in the name of Kirpal Singh Grewal afterwards. Apart from this record of the property was obtained from the Halga Patwari according to



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which it is found that seller Jasbir Singh/opposite party has got done the registry in favour of Rajesh Goyal of the street drain (gali naale) left out of the area. By doing this Jasbir Singh in collusion with his associates Inderjeet Singh S/o Arjun Singh, Jagdish Singh S/o Satpal Singh by doing the registry of the street drain (gali naale) left out of the area in favour of Rajesh Goyal gave the possession of the plot of Kirpal Singh Grewal and the amount of the registry has been distributed amongst themselves and usurped by them. When the applicant Rajesh Goyal gave an application for taking action against Jasbir Singh then Jasbir Singh filed a petition CRM-M-7070-2023 before the Hon'ble Punjab & Haryana High Court at Chandigarh stating that police is harassing him. On which Hon'ble Mr. Justice Harkesh Manuja vide order dated 01-03-2023 disposed of the writ by stating that the petitioner shall be called after giving a notice u/s 41-A of CrPC. In this way Jasbir Singh filed this writ petition due to fear of action being taken against him, whereas the fraud done by him is proved. Here it is also required to be ascertained that the street drains (gale naale) of the area whose registry has been done by Jasbir Singh and others in his name. This has been done from original / real owner or has been got done by involving some forged person Because the real owner (who has inherited property) is a resident of Himachal, till today could not be joined in enquiry. The investigation is required to done against Jasbir Singh S/o Kesar Singh, Inderjeet Singh S/o Arjun Singh and Jagdish Singh S/o Satpal Singh by registering a case u/s 420, 120-B of IPC. During investigation if any forged document comes to light then accordingly the offence will be added. Therefore, necessary order be passed for registering a case u/s 420, 120-B of IPC against Jasbir Singh S/ Kesar Singh, Inderjeet Singh S/ Arjun Singh and Jagdish Singh S/o Satpal Singh. Correct ASI Rakesh Kumar P.S. Focal Point, Ludhiana. The SHO of P.S. Focal Point, Luchiana concurred with the report of ASI Rakesh Kumar P.S. Focal Point, Ludhiana and prepared his own report and sent it to Hon'ble ACP Industrial Area-A, Ludhiana, who concurred with the report and prepared his report and sent it to Hon'ble Additional



Deputy Commissioner Police, Zone-4. Ludhiana, who concurred with the report and prepared his report and sent it to Hon'ble Deputy Commissioner of Police Rural CP Ludhiana, who wrote on the report Forwarded Pl and enquiry report was sent to Hon'ble Commissioner of Police, Ludhiana who wrote on the enquiry report DCP(R) For N/Action. SD/- Commissioner of Police, Ludhiana. On which Deputy Commissioner of Police Rural CP wrote that SHO Focal Point to register the case as per enquiry report and investigate. SD/- Deputy Commissioner of Police Rural CP Ludhiana.

On receiving the application along with enquiry report in the police station case has been registered against above-mentioned offence against Jasbir Singh S/o Kesar Singh Ro H. No. 1056, Friends Colony, Ramgarh, Chandigarh Road, Ludhiana, Inderjeet Singh S/o Late Arjun Singh and Jagdish Singh S/o Satpal Singh Ro Village Mangli Nichi, Ludhiana, Original Application along with enquiry report and connected documents and copy of FIR sent to SHO Police Station for further investigation. Control Room has been informed through wireless. Bandi Report No. 2 AT:- 05:40 PM..."

4. Learned counsel for the petitioner *inter alia* submits that the petitioner is working as a property dealer having clean antecedents. The property in dispute was purchased by one Jasbir Singh from its owner namely Vaasdev vide registered sale deed dated 22.0.2021 (Annexure P-1). The mutation was also sanctioned in the favour of said Jasbir Singh i.e. mutation No. 5381 and the same is evident from the perusal of zamabandi (Annexure P-3). Consequently, the said Jasbir Singh sold the property to the complainant vide registered sale deed dated 02.09.2021 (Annexure P-4). The possession of the property in dispute was handed over to the complainant and he built boundary wall over the property. He further submits that all the transactions have taken place through the registered sale deeds and no objection was raised by the revenue authorities during the registration of said sale deeds or while sanctioning the mutation in favour of the Jasbir Singh. Moreover,

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the registered sale deeds have not been challenged till date. However, in March, 2022 the boundary was demolished by some unknown persons and the present FIR (Annexure P-5) was registered against the petitioner and others on allegations that the complainant has been defrauded and the property belonged to some person from Himachal Pradesh, from whom the Kirpal Singh Grewal had purchased the property. The role attributed to the petitioner is that the petitioner being property dealer, in connivance with other accused Jasbir Singh and Inderjeet Singh usurped the sale consideration paid by the complainant. That in fact the total area of the property is 1,000 square yards and the property in dispute is measuring 456 square yards. Learned counsel further submits that for getting the remaining property transferred in his (Jasbir Singh) name, Jasbir Singh filed a civil suit titled as Jasbir Singh V/s Rama Tak & Ors. bearing number CS No. 1617 of 2022 praying therein for specific performance and permanent injunction against the owner namely Vaasdev and other persons (Annexure P-6). The written statements were filed by the respective parties. In the written statement filed by the respondent no. 1 and 3 there is a clear-cut admission regarding the sale of property measuring 456 sq yards i.e. property in dispute (Annexure P-7). Moreover, vide order dated 06.01.2023 the application under Order 39 Rule 1 & 2 of CPC filed by Jasbir Singh has been partly allowed (Annexure P-9). That thereafter the said Kirpal Singh Grewal being GPA holder of LR's of his brother filed one civil-suit through the LR's titled as Sukhwinder Kaur & Ors. Versus Jasbir Singh bearing number C.S.2879 of 2023 praying therein simpliciter for Permanent Injunction qua the property in dispute. It is pertinent to mention herein that in the said civil suit complainant Rajesh Goyal has not been arrayed as a party nor the original owner namely Vaasdev has been arrayed as a party Moreover, no relief for declaration

qua the suit property has been prayed for by the said Kirpal Singh Grewal

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(Annexure P-10). The application filed by the plaintiff under Order 39 Rule 1 & 2 of CPC has since been dismissed vide order dated 03.04. 2024 and it has been observed that plaintiff could not establish his possession over the suit property at this stage (Annexure P-15) and the sale deeds in favour of Jasbir Singh by original owner Vaasdev and the sale deed in favour of Rajesh Goyal have not been challenged till date by anyone. He further submits that the petitioner applied for the concession of anticipatory bail before the learned trial Court however, the same was dismissed vide order dated 26.07.2024 (Annexure P-16) in an illegal and mechanical manner. The petitioner is an innocent person and he took all the care to check the title of the property in dispute and only thereafter the property in dispute was sold to complainant. The petitioner has not usurped any money of the complainant. The enquiry conducted by police is suspicious to say the least as the facts narrated above have not been adverted to. He further submits that the co-accused in the present case namely Inderjeet Singh had been granted the concession of interim bail by this Court in CRM-M-27648/2024 vide order dated 28.05.2024.

5. Per contra, learned State counsel while relying upon reply has stated that on receipt of aforesaid complaint, enquiry of the application was conducted by ASI Rakesh Kumar, Police Station Focal Point Ludhiana, who has written in its enquiry report as under:-

"...that applicant Rajesh Goyal is in the business of export. His friend Jasbir Singh S/o Gurcharan Singh R/o H.E. Colony, Jamalpur, Ludhiana is working with Veer Brothers P.F. 36 Premiere Industry Focal, Ludhiana. The applicant had a word many times regarding buying the plot with his friend Jasbir Singh S/o Gurcharan Singh who told him that he is known of Inderjeet Singh S/o Arjun Singh R/o Gurdeep Timber Store, Chandigarh Road, Nichi Mangli, Ludhiana



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Singh, Jagdish Singh S/o Satpal Singh by doing the registry of the street drain (galinaale) left out of the area in favour of Rajesh Goyal gave the possession of the plot of Kirpal Singh Grewal and the amount of the registry has been distributed amongst themselves and usurped by them. When the applicant Rajesh Goyal gave an application for taking action against Jasbir Singh then Jasbir Singh filed a petition CRM-M-7070-2023 before the Hon'ble Punjab & Haryana High Court at Chandigarh stating that police is harassing him. On which Hon'ble Mr. Justice Harkesh Manuja vide order dated 01-03-2023 disposed off the writ by stating that the petitioner shall be called after giving a notice under Section 41-A of CrPC. In this way Jasbir Singh filed this writ petition due to fear of action being taken against him, whereas the fraud done by him is proved. Here it is also required to be ascertained that the street drains (gale naale) of the area whose registry has been done by Jasbir Singh and others in his name. This has been done from original/real owner or has been got done by involving some forged person. Because the real owner (who has inherited property) is a resident of Himachal, till today could not be joined in enquiry. The investigation is required to be done against Jasbir Singh S/ Kesar Singh, Inderjeet Singh S/o Arjun Singh and Jagdish Singh S/o Satpal Singh by registering a case u/s 420, 120-B of IPC. During investigation if any forged document comes to light then accordingly the offence will be added. Therefore, necessary order be passed for registering a case u/s 420, 120-B of IPC against Jasbir Singh S/ Kesar Singh, Inderjeet Singh S/o Arjun Singh and Jagdish Singh S/o Satpal Singh. Correct ASI Rakesh Kumar P.S. Focal Point, Ludhiana..."

6. Learned State counsel submits that during investigation, it has been found that complainant was having friendly relation with the petitioner Jagdish Singh and the petitioner got introduced the complainant with the co-accused Inderjit Singh who is a property dealer and Inderjit Singh co-accused allured the

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On demand by the complainant, the co-accused Inderjit Singh also showed the document i.e. a copy sale deed dated 22.06.2021 showing that co-accused Jasbir Singh is the owner of the said plot. He further submits that the petitioner as well as co-accused Inderjit Singh came to the complainant and during the meeting, co-accused Jasbir Singh also claimed that he is the owner of the said plot for the last several years and also stated that earlier he was having full and final agreement to sell the said plot but during the current year 2021, he has got executed and registered the sale deed from its earlier owner through Special Power of Attorney Rama Tak. During investigation it has been found that the deal of the said plot was struck for Rs. 25,36,000/- and the complainant gave a sum of Rs. 7,50,000/- as earnest money to co-accused Jasbir Singh and later on, the co-accused Jasbir Singh after receiving the balance sale consideration, executed Sale Deed No. 4858 dated 02.09.2021 in favour of the complainant and the petitioner as well as Inderjit Singh appeared as witnesses at the time of execution of sale deed. He further submits that during investigation it has also been found that after execution of sale deed, the complainant had constructed the boundary wall on the said plot, but in March 2022, some unknown persons came and demolished the entire boundary wall of said plot. On inquiry, the complainant came to know that the sale deed of aforesaid plot is in the name of Ramesh Singh and thereafter it was transferred in the name of Kirpal Singh Grewal. He submits that the complainant reported the matter to the police and also collected the revenue record of said plot from the Halqa Patwari and from the perusal of revenue record, it has been found that co-accused Jasbir Singh has executed the aforesaid sale deed regarding the land which has been left for street/drains etc. In this way, it is clear that the co-accused Jasbir Singh in connivance with co-accused including the petitioner, has committed fraud with the complainant and has handed over the possession of plot of Kirpal Singh Grewal



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and has distributed the amount among themselves.

7. Heard the rival submissions made by learned counsel for the parties and perused the record.

8. A perusal of the reply dated 22.08.2024 *prima facie* establishes that the petitioner introduced the complainant with the co-accused Inderjeet and Jasbir, who in connivance with them fraudulently sold a land which was, as per the land records, meant for drain/nala and the petitioner was also the witness to the sale deed dated 02.09.2021 and the land which was shown to the complainant actually belonged to third person namely Kirpal Singh Grewal and after duping the complainant the petitioner and co-accused distributed the sale proceeds among themselves.

8. In view of the serious allegations leveled against the petitioner(s) 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.

9. Both the petitions are dismissed.

10. Pending application(s), if any, stand disposed of.

23.09.2024

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(KIRTI SINGH)
JUDGE

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