



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

131

CRM-M-40722-2024

DATE OF DECISION: 22.08.2024

KHUSHPAL SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.63 dated 27.04.2024, under Sections 419/ 420/465/467/468/ 471/120-B IPC, 1860 registered at Police Station NRI, District SAS Nagar, Mohali.

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

‘Office of Hon'ble Addl. Director General of Police, NRI Wing, Punjab has forwarded order No.11734 /Nodal Desk/ NRI Wing dated 4.2024 alongwith documents through post, as per this a complaint UID No.1967472 dated 2.2.2021 was given by Jagdev Singh Dhaunchik son of Late Surinder Pal Singh, resident of H. No.24-13, Phase X, SAS Nagar, presently residing at England. The contents of complaint are as under:- Dear Sir/ Madam, I Kingdom residing in am with my the United wife,



daughter and mother. My father, who sadly passed away at the end of 2018, has built a house in Silver city, Zirakpur, Punjab. My grandparents were living in it ever since it was built. My grand dad served as SSP Patiala before he retired around 1997. My grandmother expired a year before my father. My younger brother was living in the kothi. He was schemingly addicted to drugs. The people who have possessed our house, fraudulently did a registry. They got my brother to witness the sale, and produced a fake man who looked like my father and did the transaction. He was promised 80 lakhs and given a biyana of 2 lakhs, when the koth's real value is in crores. A local goon by the name of Gurmeet Singh Golu of village Nagla was the person to frame all of this. He was a friend of my brother and knew the condition of my father. There was no enquiries made at the offices in Silver city before the sale. Otherwise they wouldn't have raised alarms, they knew we were in England at the time. We were made aware of it by the neighbourers, who first keep quiet assuming it was being done genuinely by our family. Please note that at the time of the sale, my father who's the owner of the house and the land, admitted was in hospital in London, UK. He was not in India itself. He had his leg amputated due diabetes. He was not even in to the condition of traveling anywhere. He went into shock after this and died after staying in the hospital for over 7 months. This house was the only property my father had made himself. I visited India in 2019 with my wife and daughter. During that visit, I attempted to make contact with those people, but failed. My estranged brother refrained from meeting me too. I went to the local police station and after many fruitless journeys there! I was told it was futile chasing the fraud. The head of police there at the time said" tussi rehna te hai nahi, baad wich vi kothi dab hi laini kisse ne." He asked for a bribe if wanted assistance, I gave up at the moment close family friend has advised me now to contact the NRI police. I request that someone please advise me. I will



share full details of the matter once I am in contact with your office. We really want to fight this and get our house back. It is our life saving stuck in that kothi. All our documents, pictures etc. were burnt by the occupants. Our neighbours can vouch for us. Can you please help? Sincerely, Jagdev Singh Dhaunchic. The above said complaint was filed (finished) on 22.4.2021 as complainant Jagdev Singh did not cooperated the enquiry. Again complainant Jagdev Singh Dhaunchik gave a complaint dated 21.2.2024 to Addl. Director General of Police, NRI Wing, Punjab SAS Nagar, the contents of the same are as under:- Dear Sir/ Mam, I wrote to you in January 2021, I thank SI Lakhwinder Singh for responding to my complaint and apologise for not being able to follow up on it due to some personal problems during Covid-19. I wish to resume my complaint and now am in a better position to fight this. I am residing in the United Kigdom with my wife, daughter and mother. My father, Surinder Paul Singh who sadly passed away at the end of 2018, had built a house Kothi No. 63 Silver City, Zirakpur, Punjab. My grandparents were living in it ever since it was built. My granddad, S Sarjit Singh served as SSP Punjab before he retired grandmother expired around 1997. My a year before my father. Dad was in India from 2012-2016 for / my treatment. wedding and his medical In 2017-2018 he was in hospital in the UK till his demise. My younger brother, Manprit Singh Dhaunchic was living in the kothi. He was schemingly addicted to drugs. The people who have possessed fraudulently did a our house, registry of sale. They got my brother to witness the sale, and produced a fake man who looked like my father and did the transaction. Manprit is born and bred in England and cannot read or write Punjabi. He was told he's being given a loan (copy of this and photos of all parties are available with my uncle). A local goon by the name of Gurmeet Singh Golu of village Nagla, Zirakpur was the person to frame all of this. He became a friend of my brother and knew the condition of my father. There was no



enquiries made at the offices in Silver City before the sale. Otherwise, they would've raised alarms, they knew we were in England at the time. We were made aware of it by the neighbours, who first kept quiet assuming it was being done genuinely by our family. Please note that at the time of the sale, my father who's the owner of the house and the land, was admitted in Hospital in London, UK. He was not in India itself. He had his leg amputated due to diabetes. He was not even in the condition of traveling anywhere. He went into shock after this and died after staying in the hospital months. This for over 7 kothi was the only residence my father had made for himself. I visited India in 2019 with my wife and daughter. During that visit I attempted to make contact with those people, but failed. My estranged brother refrained from meeting me too. I went to the local police station and after many fruitless journeys there, I was told it was futile chasing the fraud. The head of police there at the time said "tuss rehna te hai nahi, baad wich vi koth dab hi laini kisse ne." He asked for bribe if I wanted assistance. I gave up at that moment. Now the target of fraud is our agricultural land in village Makkowal, Hadbast Number 118, Tehsil Chamkaur Sahib, Rupnagar. The area is 57 kanals 17 marlas and 7 Sirsai. The land is being used by Jujhar Singh on thekke since many years. In April 2021 we found out that we are apparently selling the land. When my uncle Ji, S Karnail Singh, went to the Tehsil, he was informed about a "will" made by my late father. We explained to them that my father never had a will drawn up or any kind of authorization to anybody. Dad was hospitalized at the time of his demise. He was pretty much immobile due to his diabetic foot. When my uncle pressed harder he was shown a document which authorized Manprit to sell our property. It was a forged document with forged signatures on it. My uncle raised an issue about it. Emails were sent to the Tehsildar, SDM Chamkaur Sahib and the SSP Rupnagar from me, my mother Dali Kaur Dhaunchic, and my sister Tamjit Kaur



Dhaunchic. It however, has not been acknowledged as yet. People have started visiting our land in large numbers and causing chaos there. The patwari isn't very cooperative. It is immediately evident that the will is poorly made with forged signatures. But the officials there are taking it at face value even when we have requested that they examine the authenticity of the document. I suspect corruption is at play here. A close family friend has advised me now to contact the NRI police. I request that someone please advise me. I will share full details of the matter once I'm in contact with your office. We really want to fight this and get our house back. It is our life savings stuck in that kothi. All our documents, pictures etc. were burnt, by the occupants. Our neighbours can vouch for us. We need to safeguard our land and other properties. My brother Manprit has sadly deferred from the right path. He has informed my mother that he is under constant threat and pressure by these criminals for him to support them carry out this forgery. He is addicted to drugs and they are taking advantage of his condition. Willingly or not Manprit has parted with the details of the properties which has put them at risk. That is his fault. However, as an elder brother I would like to re-stress that he is an addict, he cannot read or write any other language but English and that is being duped. He is not in contact with us currently. I am making efforts to save his life and to bring him back on track, but he is not letting me do that. For quick money, he is inadvertently assisting in this crime. Now I have to save what my elders acquired blood. I after a life of sweat and am 'prepared to whatever it takes for that. My uncle has kindly accepted my request to stand by me to fight this. He has been very close with my father and knows all the details that you may require to for my case. I will write his contact details at the end of this mail. He is always available for any questions you may have. He also possess copies of the property documents given to him by my dad. Anything that you may require is available with



him. I have given a power of attorney to my uncle in 2019 at the court in Mohali. He is fully authorized to act on my behalf. I will be traveling to India as soon as the restrictions on flights are lifted. I implore that you intervene and investigate the matters until I reach Punjab. We would be very grateful to you. soon. I look forward to hear from you Yours sincerely, Jagdev Singh Dhaunchic 50 The Greenway, Slough, SL15LP Tel:+44 7979086060. My uncle's details: Er. Karnail Singh 2413 Phase 10 Mohali, Punjab Tel: +91 97816-77000 mail: singhksm@yahoo.com. The above said complaint was forwarded by Hon'ble Director General of Police, NRI Wing for enquiry to SHO NRI Wing, SAS Nagar. On perusal of enquiry report of SHO NRI Wing, SAS Nagar, it is found that the time when Manprit Singh got transferred ownership of H.No.63, Silver City (covered area 3780 sq. ft.) on 11.4.2017 vide deed No.243 and at that time, Surinder pal Singh was in U.K. This fact is verified from the photocopy of passport of Surinderpal Singh produced by Karnail Singh and from record of I.B. This fact has come on record that the ownership of the kothi was transferred by Surinderpal Singh, Manprit Singh on 11.4.2017, at that time, Surinderpal Singh was not in India. Thus it is proved that someone Surinderpal has impersonated Singh and transferred ownership in the name of Manprit Singh. At the time of execution, sale deed No.243 dated 11.4.2017, H.No.63, Silver City (covered area 3780 Sq. ft.) the photograph of Surinder pal Singh is also attached. The same deed is witnessed by Khushal Singh and Harjit Singh. While from complete photocopy of passport of Surinderpal Singh produced by Karnail Singh and from the record of I.B. it has come on record that ownership of kothi was transferred by Surinderpal Singh in the name of Manprit Singh on 11.4.2017, at that time, Surinder Pal Singh was not in India. Thus, it is proved that by producing someone else in place Surinderpal Singh, Manprit Singh of got transferred ownership in his name. It is found that Manprit



Singh vide deed No.243 dated 11.4.2017, H.No.63 Silver city (Covered area 3780 Sq. ft.) got transferred the ownership in his name. From the record of joint Sub Registrar, it is found that Deed No.243 is registered and it is also registered and there is photograph of Surinderpal Singh, Khushal Singh and Harjit Singh witnessed the same. I from the complete passport photocopy of Surinderpal Singh produced by Karnal Singh and from record of I.B. it is found that transfer deed was executed on 11.4.2017 by Surinderpal Singh in favour of Manprit Singh, at that time, Surinderpal Singh was not in India. Someone has impersonated Surinder Pal Singh and forged the signatures of Surinderpal Singh for executing the transfer deed. As statement per of brother of Manprit Singh, Gurmeet Kumar @Gurmeet. Singh Golu, made Manprit Singh addicted Manprit to drugs, he was known Singh and in to greed got transferred kothi in the name of Manprit Singh on 11.7.2017 by impersonating Surinderpal Singh, then Jai, Partap Singh under a planned conspiracy exchanged the same on 16.6.2017. As per bank record, on 5.5.2017, Manprit Singh transferred Rs.10 lakhs in the account of Gurmeet Kumar @ Gurmeet Singh Golu, Jai Partap Singh after getting kothi in his name, did not take the possession of the same. I during the questions he has replied that he got possession after 2-3 days. It is found that the bhog ceremony of grandmother of complainant was performed in the same kothi in December 2017. The complainant party was not aware about the sale of kothi to Jai Partap Singh. In this way, Jai Partap Singh and Gurmeet Kumar @ Gurmeet Singh Golu took advantage of the fact that family is in abroad and Manprit Singh was addict and thus with connivance of each other impersonated Surinderpal Singh and got false witness from Khushal Singh and Harjit Singh and by illegal way got transferred No.63, the Silver ownership City and of Kothi thereafter purchased the same and further sell the same. Thus, it is recommended to take action under section 419, 420, 465, 467,



468, 471, 120B IPC against 1. Gurmeet Kumar@ Gurmeet Singh Golu 2. Khushal Singh 3. Harjit Singh 4. Jai Partap Singh 5. Manprit Singh 6. Against the person who has impersonated Surinder Pal Singh.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and the dispute involved in the present case is civil in nature. He submits that the petitioner has no *malafide* intention of taking any consideration and has not received any money or any other benefit, therefore, no offence has been made out against the present petitioner. He further submits that there is unexplained delay of 7 years in registration of the instant FIR and the co-accused-Jai Partap Singh has also been granted the concession of anticipatory bail vide order dated 04.07.2024 passed in CRM-M-30143-2024.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Shehan Shah submits that to bring the investigation to its logical end, the custody of the petitioner is required and therefore, prays for dismissal of the present petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the petitioner to the effect that the dispute involved in the present case is civil in nature and the petitioner has no *malafide* intention of taking any consideration and has not



received any money or any other benefit, 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 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(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 480, 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

22.08.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>