

Sarwan Singh @ Shravan Singh Petitioner

State of Punjab Respondent

1 This petition has been filed under Section 439 Cr.P.C. for
grant of regular bail in case F.I.R. No. 147 dated 20.10.2006 registered under
Sections 420, 467, 468, 471 and 120-B IPC at Police Station Ajnala, District
Amritsar.

“To S.S.P. Sahib, Majitha, Subject: Request for registering case against Lakhbir Singh s/o late Inder Singh, Balwinder Singh, Satpal Singh sons of Kashmir Singh, Surjit Singh s/o Inder Singh resident of Harar Bhure Gill, Iqbal Singh s/o unknown, Harjit Kaur w/o Iqbal Singh r/o Talwandi Fatehgarh Churian Road Amritsar for 13 encroaching our land (our land measuring 4 Kille) with fraudulent manner. Sir, it is humbly requested that we five sisters are married and both our parents have died. Our father died on 31-07-2006. Our mother already expired. One women namely Mamanjit Singh was used to reside with our father, after the death of our father, all above our uncles (chacha/taya) and their sons are keen to encroach our land. Our father died on 31-07-2016 at 10-00 am in the morning at Hartej Hospital, Amritsar. After the death of our father, the son

namely Balwinder Singh of our Taya namely Kashmir Singh, Satpal Singh/Uncle (chacha) and uncle (Taya) and Harjit Kaur in connivance with each other fraudulently and got executed the registry of land measuring 4½ kille in connivance with step mother whereas, our father died in the morning and the registry has been executed in the evening at 4.21. This sale deed has been got executed in connivance of above mentioned. In this registry, in this registry Harbans Singh Nambardar of Samar Village and Sarwan Singh and Surjit Singh are the witnesses, this has been executed at Village Harar, Tehsil Ajnala. Our land is situated at Village Harar. They wish to grab our land. The copy of registry is attached herewith. The above mentioned persons wishes to grab this land. So the legal action be taken against the above mentioned persons and our land be given back to us. We shall be highly thankful to you. Applicant Paramjit Kaur w/o Gurinderbir Singh r/o Village Harar, Tehsil and District Amritsar through Paramjit Kaur dated 6.9.06, Application No. 1073-AP dated 7-9-06 I/c AFS for inquest and report in 07 days and Shri Gautam Cheema SSP, Police Station Ajitha 7-0-06, Sd/- Shri Jagrup Singh, SP Anti Fraud Staff Majitha. who submitted enquiry report bearing No. 1073 AP dated 7-9-06 I/c AFS for inquest and report in 07 days and Shri Gautam Cheema, SSP, Police Station Ajitha 7-06-06, Sd/- Shri Jagrup Singh, SP Anti Fraud Staff Majitha, who submitted enquiry report bearing No.1073 AP dated and reported as Sir, it is requested in respect of above numbered 14 complaint, the complaint from Paramjit Kaur against Manpreet Kaur etc regarding illegally and fraudulently grabbing was entrusted to me. Wherein, the complainant Paramjit Kaur vide her complaint has requested that his father had died on 31.07.06 and the death of his father, on the same day on 31.7.06 in the evening, his uncle (Taya) Kashmir Singh along with his sons and Surjit Singh/Uncle (Chacha) etc in connivance with each other land measuring 4 kille in the name of their expired father got transferred in the name of their step mother namely Manjit Kaur at Tehsil Ajnala in connivance with employees of Revenue Record at 4.21 PM, the witnesses to the registry are Nambardar Harbans Singh, Sarwan Singh and Surjit Singh r/o Harar Bhure Gill and they deposed falsely. The above all wishes to grab the land. Vide this application request is being made for grant of justice. The investigation of the complaint is being conducted by me, during investigation by joining Dr. Shri

Harmohding Singh of Hartej Hospital thereafter file prepared regarding deceased Lakhbir Singh was obtained and statement of Dr. Shri Harmohinder Singh were recorded. It was found that death of deceased was admitted in the Hartej Hospital due to stoppage of breathe and being serious on dated 23.7.06 and he remained in life support system till 25.7.06, who expired on 31.07.06 at 10 a.m. in the morning. In this regard, the doctor presented attested copy of the register, the same is as that Pat Suddenly had cardiac arrest already in verfi CRP done as per the standared prolocd all nalarraces the service the patient failed and declared dead at 10 AM on 31.07.2006" during investigation the complainant party got recorded the statement Parmjit Kaur and her sisters and other party joined for examination again and again that complainant are five sisters and their father namely Lakhbir Singh has 33 Kanal 14 Maria land in the village Harar. The first wife of Lakhbir was got expired due to which he got performed his second marriage with Manjit Kaur, Lakhbir Singh due to illness got admitted in the Hartej Hospital on 25-07-2006 and who died in the hospital on 31-07-2006, 10.00 am. in the morning. Upon death of Shri Lakhbir Singh, the land upon his land measuring 33 Kanal 14 Marls is of his five daughters but Manjit Kaur for grabbing the said land in fraudulent manner after the death of Lakhbir Singh at 4:20 Pm got registered the said land measuring 33 Kanal 14 Marla at Tehsil Ajnala in connivance with officer of Revenue Record Jagmohan Singh Joint Sub-Registrar Ajnala, Smt. Dinesh Bala Registry Clerk, Malook Singh Vasika Navis, Tehsil Complex Ajnala and witness Surjit Singh s/o Inder Singh, Sarwan Singh Member Panchayat Officer Harbhajan Singh r/o Harar Bhure Gill. I recommended to register case under Section 420, 467, 468, 471, 12-B-IPC against the above said accused persons."

3 The allegation against the petitioner is of having wrongly identified the executant of the sale deed. Thereafter, the petitioner absconded and was declared as proclaimed offender. He could be arrested only on 27.04.2023 and since then, he is behind bars and has faced incarceration of more than 8 months and 14 days. During the

interregnum, trial against the co-accused stands concluded. Accused Manjit Kaur and Surjit Singh stand convicted for offences punishable under Sections 420, 467, 468 and 471 and 120-B IPC and have been awarded simple imprisonment for three years.

3 Learned counsel for the petitioner submits that the petitioner is a poor person working as farm labour and is not the beneficiary out of the transaction. Hence, the petitioner deserves to be released on bail during the pendency of the trial.

4 The bail plea is opposed by learned State counsel on the ground that the petitioner absconded from the trial and was declared as proclaimed offender and his conduct does not merit bail. However, he does not dispute that the petitioner has no criminal antecedents.

5 Without further commenting on the merits of the case and considering the incarceration suffered by the petitioner and the nature of allegation levelled against him and the punishment awarded to the co-accused, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

7. Pending applications, if any, shall stand disposed of.

(PANKAJ JAIN)
JUDGE

08.01.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No