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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision:- 08.11.2024

Navdeep Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Anil Kumar Garg, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. M.S.Dhami, Advocate for complainant.

AMARJOT BHATTI, J.

1. Petitioner Navdeep Singh has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.0074 dated 30.06.2024, under Sections 406, 420, 447, 120-B of IPC, registered at Police Station NRI, District SAS Nagar.
2. As per facts of the case, Kulwant Kaur wife of Jarnail Singh filed written complaint to the police regarding fraudulent sale of plot by preparing fake documents. The complainant alleged that she has a plot measuring 4-3/5 marla situated at Village Radiala, Tehsil Kharar, District Mohali purchased vide sale deed dated 09.08.2017 from Harinder Singh son of Bhupinder Singh through Navdeep Singh Babbu and Sarabjit Kaur.

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This plot was purchased to construct a shop. Possession was handed over to them. She along with her husband lived in Australia. In the year 2019, due to Covid 19, they stayed in Australia for a long time. They came to India by end of 2020 and thereafter came to see their plot. On their visit it was found that someone had occupied the plot by constructing boundry wall and mobile phone No.79730-18095 was written on the board. She called on said number and it was informed that Rakesh Kumar had purchased the said property from Navdeep Singh. It was further informed that sale deed was yet to be executed. They had a conversation with Navdeep Singh who started extending threats. In this way, Harinder Singh, Sarabjit Kaur and Rakesh Kumar prepared fake documents to grab her property.

3. Learned counsel for petitioner argued that the property was purchased by the complainant by sale deed dated 08.08.2017 (Annexure P-1 and possession was handed over to her. The property purchased by Rakesh Kumar vide sale deed dated 18.02.2020 (Annexure P-2) is different property. In fact the dispute is civil in nature. Both the parties have purchased plots out of same khasra numbers. Moreover, present petitioner is only the marginal witness to the sale deed in favour of the complainant. He is neither a vendor nor beneficiary in any manner. He is ready to join the investigation.

4. Learned counsel representing State assisted by counsel for complainant opposed the anticipatory bail petition filed by the petitioner. It is pointed out that present petitioner is a property dealer and the aforesaid sale deeds were executed at his instance. In fact he had admitted his

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responsibility but later on refused to return the money. Present petitioner fraudulently transferred ownership of the plot in favour of Rakesh Aggarwal who in return raised construction over the same. Present petitioner is required to join the investigation. Therefore, his anticipatory bail petition may be dismissed.

5. I have considered the arguments and have gone through the record. As per the prosecution case, complainant Kulwant Kaur purchased property vide sale deed dated 08.08.2017. Contents of sale deed Annexure P-1 are not disputed. It is not disputed that she was also handed over possession. Thereafter, she went to Australia and in the year 2020 when she returned India, she noticed that there was a boundary wall over the plot on which mobile phone number was mentioned. On calling that number, it was revealed that said property was purchased by Rakesh Aggarwal from the present petitioner. Learned counsel for petitioner has placed on record other sale deed in favour of Rakesh Aggarwal dated 18.02.2020 (Annexure P-2). Perusal of both the sale deeds indicate that the complainant as well as Rakesh Aggarwal had purchased plots from joint khata with boundaries. Both plots are of different dimensions. No civil litigation is pending. Present petitioner is marginal witness in sale deed dated 08.08.2017 (Annexure P-1). Therefore, he is neither seller or subsequent purchaser of the said property. He is ready to join the investigation. Entire case is based on documents. Therefore, no purpose would be served by sending the petitioner behind the bars. Accordingly, anticipatory bail petition filed by petitioner – Navdeep Singh is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of



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Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 482(2) BNSS.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly.

08.11.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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