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

CRM-M-46190-2024

Date of Decision: September 17, 2024

AMOLAK RATTAN SINGH**....Petitioner(s)****VERSUS****STATE OF PUNJAB****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Nikhil Chopra, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.17 dated 25.07.2024 under Sections 406, 420, 447, 448, 465, 467, 468, 471, 120-B of IPC, 1860 registered at Police Station NRI, District Jalandhar Rural.

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

‘Complaint UID No.2407093 dated 28-05-2024 was submitted by Kuljit Singh son of Hardyal Singh, resident of village Jalbhe, Tehsil Adampur, district Jalandhar, now resident of England in the office of Worthy Additional Director General of Police NRI Wing Punjab, Phase-7, SAS Nagar, the contents of which are as follows, "To the, ADGP,



NRI Wing, Punjab. Subject: Against Anmolkrattan Singh son of Satnam Singh, Resident of Village Jalbhe, Tehsil Adampur, District Jalandhar, at present Resident of Village Thatthal, District Hoshiarpur (Mobile No. 94641-00078) and other unknown persons, for handing over the possession after selling my land and lands of my son Ranjit Singh and my nephew Jagjiwan Singh, without permission, without any authority in my absence, and by preparing a fake power of attorney of my son Baljit Singh for selling his land without consent and without payment. Sir, It is requested that I, Kuljit Singh son of Late Hardyal Singh, am a resident of Village Jalbhe, Tehsil Adampur, District Jalandhar and have been living in England since 1969 and am currently a citizen of England. I request as follows: 1) That my grandfather S. Mota Singh Ji had about 64 acres of land in village Jalbhe, out of which our grandfather had transferred about 7½-7½ acres of land, total about 15 acres of land in the name of me and my brother Satnam Singh and had got transferred about 17 acres of land in the name of my father Hardyal Singh. Similarly, my grandfather also got 32 acres of land in the name of my elder uncle Gurdayal Singh's family. 2) That my father Hardyal Singh had purchased about 6 acres of land at village Bahaddipur. 3) That my father Hardyal Singh had transferred about 4 acres of land in the name of my nephew Amolkaratan Singh out of 17 acres of land in village Jalbhe. Remaining land of village Jalbhe about 13 acres was transferred in the name of my son Ranjit Singh, Baljit Singh and my nephew Jagjiwanjit Singh, Amolkaratan Singh (about 3%-3% Acres land in each name). 4) That my father had transferred about 4 acres land of village Jalbe in the name of Amolkaratan Singh. Therefore, he did not transfer the land of Bahaddipur in the name of Amolkartan Singh and divided the 6 acres of land between my sons Ranjit Singh, Baljit Singh and my nephew



Jagjiwanjit Singh, giving each a share of 2 acres each. 5) That I came to India from overseas England in October 2023, after almost 10 years, but I went back in January 2024 as my wife Harminderjit Kaur was diagnosed with cancer and her condition worsened. 6) That I came to know in November 2023 that out of our land measuring 7% Acres of my village Jalbhe, my nephew Anmolratan Singh has further sold about 3½ Acres land without registry, in my absence without my permission, without my power of attorney and without any authority and handed over the possession the buyers illegally. 7) That my nephew Anmolkartan Singh similarly sold 3½ acres land of my son Ranjit Singh in village Jalbhe, 5 Kanals of land in village Bahaddipur, handed over the possession of 34 acres of land belonging to my nephew Jagjiwan Singh in village Jalbhe to the buyer and sold it without registration. 8) That my nephew Anmolkaratan Singh has prepared a power of attorney of my son Baljit Singh and has sold his 3% Acre land in village Jalbhe, 5 kanal land in village Bahaddipur. 9) That when my nephew Jagjiwanjit Singh asked my nephew Anmolkaratan Singh for the account of the sold lands, Anmolkaratan made false allegations against him and filed complaints in the Police Stations. I came to India to solve this problem. Meanwhile, they arrived at a mutual compromise. But later Anmolkaratan Singh took the advantage of political appraoch and got registered a false case against Jagjiwanjit Singh. Please keeping the above circumstances in mind, I request you that I am an elderly NRI. Anmolkaratan Singh along with his accomplices as mentioned above has illegally sold the land by cheating, without permission and without any authority and has illegally handed over the possession. Appropriate legal action should be taken against Anmolkaratan Singh son of Satnam Singh, resident of village Jalbhe, Tehsil Adampur, District Jalandhar regarding this



fraud and illegal possession and justice should be given to us. Sd/-Kuljit Singh son of late Hardyal Singh, resident of village Jalbhe, Tehsil Adampur, District Jalandhar, at present resident of 127, Jiggins Lane, BIRMINGHAM, B32 3EL, United Kingdom, Mobile No. 98151-02795. That the office of the Worthy Additional Director General of Police, NRI Wing, Phase-7, SAS Nagar sent the said complaint to the Office of the Assistant Inspector General of Police, NRI Wing, Jalandhar for investigation. The Respected Assistant Inspector General of Police, NRI Wing, Jalandhar has written in its concluding report that, "the Respondent Amolkaratan Singh in connivance with his accomplices, without the consent of the complainant Kuljit Singh, his son Baljit Singh, sold his 07% acres of his land to various persons, by setting up their illegally and unauthorised possession on the said land, by illegally getting the houses constructed, has caused a wrongful loss to Complainant Kuljit Singh and the respondent party has gained wrongful gain himself. The respondent Amolakrattan Singh himself admitted that he has sold the land of the complainant party, without a General Power of Attorney, and has received the amount. The buyer has also taken possession by purchasing the land without demarcation and without registration taking the advantage of getting the land at a cheaper rate. By committing such act, respondent Amolkaratan Singh, the witnessed the agreement namely Amrik Singh son of Chaman Singh, Kamaljit son of Sadhu Ram, Sandeep Kumar, Tara Jeet son of Sita Ram, Balwinder Singh son of Amar Chand, Dalbir Singh son of Balvir Singh, residents of Jalbhe, District Jalandhar have committed the offence under Section 420, 447, 448, 120-B IPC. Apart from this, according to the above investigation, the respondent Amolkaratan Singh has prepared a fake will of the complainant's father Hardyal Singh dated 12-01-2001 and by



using it, 13 acres of Hardyal Singh's land has been fraudulently transferred in the name of himself and in name of the complainant's sons. And Respondent Amlokaratan Singh, prepared a fake General Power of Attorney of complainant Kuljit Singh's son Baljit Singh dated 19-02-2004 and further sold his land also to Surinder Kaur under the agreement to sell of the plot dated 13-03-2019. By doing this, Respondent Amolkaratan Singh has prima facie committed the crime under section 465, 467, 468, 471, IPC. Therefore, if accepted, then it is recommended that prima facie a case under Sections 420, 447, 448, 120-B IPC 465, 467, 468, 471 IPC, at Police Station NRI Jalandhar, Rural against Anmolkartan Singh son of Satnam Singh, resident of village Jalbhe, Tehsil Adampur, district Jalandhar, at present resident of village Thathal, district Hoshiarpur; Amrik Singh son of Chaman Singh; Ram; Sandeep Kumar; Kamaljit son of Sadhu Tarajit son of Sita Ram; Balwinder Singh son of Amar Chand and Kulbir Singh son of Balvir Singh, resident of Jalbhe, registering District Jalandhar. After a case, during the investigation, the buyer of the agreements to sell of the plots will be joined in the investigation and their role will be brought to the fore. According to the evidence came on the case file, the offences may be added or deleted and other persons may also be nominated as accused. The report is presented. Sd/- (Balvir Singh PPS) Assistant Inspector General Police NRI Wing Jalandhar. After preparing investigation report along with the said complaint, the same was sent to the office of the Worthy Additional Director General of Police, NRI Wing, SAS Nagar vide Letter No. 4202/AIG/NRI/JAL dated 27.06.2024. On which SI Ramandeep Kaur in- charge PC-1 (2), NRI. Wing Mohali prepared a separate report and submitted it to the Worthy Additional Director General of Police, NRI Wing, SAS Nagar, who wrote the report, "For comments, pl Sd/ ADGP,



NRI, Wing 10-07-2024. On which the District Attorney, NRI Wing has written in its Report No.511/D.A./NRI, dated 22.07.2024 that, "according to my opinion, if the investigation report of NRI Wing/Jalandhar is based on correct facts then the prima facie case against the respondent 1) Anmolkaratan Singh 2) Amrik Singh 3) Kamaljit 4) Sandeep Kumar 5) Tara Jeet 6) Balwinder Singh 7) Kulbir Singh, U/s 406, 420, 447, 448, 465, 467, 468, 471, 120-B IPC is made out. If any other facts come to light during the investigation, then the offences and the accused can be increased/decreased accordingly. If approved then the SHO, Police Station N.R.I, Jalandhar Rural should be ordered to register a case. However, the decision taken by you will be final and binding. Report is submitted please. Sd/- District Attorney, N.R.I.Wing. On which, The Worthy Additional Director General Police NRI Wing, SAS Nagar has written that, SHO P.S.NRI Jal(R) to register case and Investigate". Sd/-ADGP NRI Wing. 23-07-2024. At Police Station: An Order No.20656/Nodal Desk-1(2), NRI Wing dated 23.07.2024 along with the investigation report was received, on which, FIR against the accused Anmolkaratan Singh son of Satnam Singh resident of village Jalbhe, Tehsil Adampur, district Jalandhar, at present resident of village Thathal district Hoshiarpur, Amrik Singh son of Chaman Singh, Kamaljit son of Sadhu Ram, Sandeep Kumar, Tarajit son of Sita Ram, Balwinder Singh son of Amar Chand and Kulbir Singh son of Balvir Singh, resident of Jalbhe, under Sections District, Jalandhar, 406, 420, 447, 448, 465, 467, 468, 471, 120-B IPC has been registered at Police Station NRI Jalandhar, Rural and the original order along with complainant and inquiry report including a copy of FIR was handed over to SI Davinder Singh No.496/HPR for further investigation. Control Room, Senior Officers were informed through Phone and e-mail. Copies of FIR are being sent to the



*Area Magistrate and Senior Officers for information.
Completion Report No.11 dated 25.07.2024 at 05:00 PM.'*

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner never executed any sale deed under the alleged garb of power of attorney as asserted in the instant FIR on behalf of the complainant-Kuljit Singh who is the real uncle of the present petitioner. He further asserts that the allegations in the instant FIR particularly in para 6 and 7 are totally vague where neither any date has been mentioned nor any date of the sale deed has been pointed out or any name of the alleged buyer to whom the land in question has been sold by the present petitioner has been mentioned. The learned counsel for the petitioner undertakes that the petitioner will join investigation and cooperate with the investigating agency for furtherance of the same.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the SI Harjinder Singh who is present in Court along with the case file has also failed to put forth any incriminating material to corroborate the allegations or any basis on which the custodial interrogation of the petitioner is required at this stage.

4. Analysis

This Court considers the lack of any documentary evidence with the complainant or the investigating agency of the utmost importance to



establish prima facie, as narrated in the instant FIR, which in lieu of aforementioned seems vague and baseless

However, this Court would not take into its domain at this stage to comment on the validity of the allegations, the same would be the liberty of the investigating agency to look into further once the accused- petitioner join the investigation.

In the light of the undertaking given before this Court by learned counsel regarding the petitioner joining the investigation and fully cooperating therein, this petition deserves to be accepted.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, upon 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, stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

17.09.2024
Sangeeta

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