



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102 CRM-M-47997-2024
DATE OF DECISION: 25.09.2024

MAHINDER SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh Batheja, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS of 2023 with a prayer for grant of anticipatory bail to the petitioner in case FIR 82, dated 28.07.2024, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC of 1860, registered at Police Station Badhni kalan, District Moga.

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

‘Sukhdev Singh son of Darshan Singh son of Pritam Singh, resident of Village Butter Kalan, District Moga. 2 Chamkaur Singh Patwari now Kanugo, Moga Mehal Singh and others. Sir, it is submitted that the complainant is the resident of Village Butter District Moga. (1) That the land comprised in Khewat No. 318 has been acquired by the Highway Authority and its ownership as per Jamabandi for the year 1966-67 was in the names of Gurdit Singh son of Ralla Singh son of Jita Singh and Hari Singh son of Hira Singh son of Buta Singh, resident of Dhanaula, District Patiala and the cultivation was in the name



of Ishar Singh son of Buta Singh son of Gurmukh Singh, the grandfather of the complainant which stood entered in the past and future Jamabandies. (2). That the persons namely Hari Singh and Gurdit Singh above mentioned neither belong to our Village nor their whereabouts are known till date. (3). That the above mentioned accused in connivance with each other and other persons, got forged a sale deed on 14.02.2017 from the above mentioned persons in favour of Accused No. 1 and Mohinder Singh son of Kartar Singh son of Kala Singh, resident of Butter, District Moga by impersonating forged persons in which firstly the revenue record was tempered with and name of Gurdit Singh was got changed to Gurdial Singh and the above sale deed is from Gurdial Singh. The above mentioned sale deed was got prepared by the accused in connivance with each other. Thereafter on 13.06.2018, Mohinder Singh son of Kartar Singh son of Kala Singh resident of Butter, District Moga got the mutation changed in the name of Highway Authority and the change of ownership has been entered to be effected in jamabandi with mutual consent. Thereafter on 03.10.2018 with the report of the Patwari, order of the Tehsildar Moga dated 20.4.2018 was entered which was sanctioned on 25.10.2018 vide which Accused No. 1 Sukhdev Singh son of Darshan Singh son of Pritam Singh was made the owner of the entire area and the whole amount released by Highway Authority was deposited in the account of Sukhdev Singh and the name of Ishar Singh, the grandfather of the complainant was also deleted from the Jamabandies whereas the above mentioned Sukhdev Singh son of Darshan Singh son of Pritam Singh was having no concern with the above mentioned acquired land. (6). Therefore in this way, the accused persons in connivance with each other and with the help of other persons, got the sale deed forged on 14.02.2017 by impersonating by showing Hari Singh son of Hira Singh son of Buta Singh and Gurdial Singh son of Ralla Singh son of Jita Singh residents of Butter whereas the persons of these



names were never in this Village nor they are at present in the village and has prepared the forged consent of Mohinder Singh son of Kartar Singh son of Kala Singh, resident of Butter District Moga. In this way the above mentioned accused in connivance with each other have misappropriated the amount of the share of the complainant released by the Highway Authority and the entire record has been fabricated. Therefore, it is requested that the facts may be got enquired into by some competent Officer, justice may be provided to the complainant and strict legal action may be taken against the accused and they may be punished. Note:- That the photocopies of the relevant jamabandies and sale deed are enclosed with the complaint. Dated 10.06.2024. Complainant Sd/-Paramjit Singh son of Bant Singh son of Ishar Singh, resident of Butter, District Moga, Mobile No. 94174-21699.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submits that the allegations qua the present petitioner is that he is allegedly beneficiary of the alleged document which are stated to have been prepared by all the accused persons in connivance with each other. In pursuance thereto, they got transferred the compensation amount in favour of Sukhdev Singh for a land situated on highway. He submits that the petitioner would deny the allegations urging that no amount of compensation was credited in his account but it was credited in the account of Sukhdev Singh son of Darshan Singh by National Highway Authorities.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer



for grant of concession of anticipatory bail on the grounds that the petitioner along with other co-accused got prepared forged agreement in the name of Mohinder Singh by impersonating some other person and earlier by manipulating the revenue record, name of Gurdial Singh was inserted in place of Gurdit Singh. Then, they got the mutation sanctioned in favour of Highway Authorities which has been entered in the Jamabandi also. He prays for dismissal of the present petition stating that the petitioner is the beneficiary in as much as Sukhdev Singh after having received the compensation from the National Highway would transfer the same to the account of the present petitioner.

4. **Analysis**

Be that as it may, the facts as has been culled out in the present FIR on the basis of the submissions made before this Court are that the investigation would revolve around the documentary evidence and the forgery, if so committed, is yet to be got investigated by the agency for which the petitioner's interrogation is must, however, learned State Counsel could not make out a case to show the necessity of taking the petitioner into custody for furtherance of investigation at this stage. Hence, 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 within the stipulated time period.

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 ten days 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 ten days, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

25.09.2024
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No