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

CRM-M-49694-2024

Date of Decision: October 03, 2024

NEK SINGH

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Lovish Arora, 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.82 dated 28.07.2024 under Sections 419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860 registered at Police Station Badhni Kalan, District Moga.

2. The Prosecution story set up in the present case as per the version narrated in the instant FIR reads as under :-

‘Complaint for taking legal action against 1 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 with connivance 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.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner would submit that story of the prosecution is concocted and the custodial interrogation of the petitioner is not required since nothing is to recovered from his possession. He further very fairly would submit that the allegations against the petitioner is of impersonation as Gurdial Singh s/o Ralla Singh and that he managed the transfer of 08 kanals of land vide sale deed Vasika No.5369 dated 14.02.2017 in favour of Sukhdev Singh Numberdar s/o Darshan Singh and Mohinder Singh s/o Kartar Singh.



He would further contend that the similarly situated co-accused Mohinder Singh who is actually the beneficiary has already been granted the concession of regular bail vide order dated 25.09.2024 (Annexure P-3).

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Sandeep Kumar would inform the Court that the petitioner actually impersonated and facilitated disbursement of compensation which was credited to the account of Mohinder Singh by National Highway Authority to the tune of Rs.97,83,583/-, out of which Rs.32 lakh was paid to Sukhdev Singh through cheque.

4. **Analysis**

Be that as it may, on a query put by this Court, learned State counsel candidly would submit that though there is no incriminating material except alleged impersonation but so far nothing has been found against the petitioner to connect him directly with the commissioning of offence since admittedly no amount for any kind of benefit has come to light which might have been derived by the petitioner.

In the light of above, added with the fact that another co-accused Mohinder Singh who actually got the benefit out of the said commissioning of alleged offence by way of compensation received from National Highway Authority which was shared with Sukhdev Singh. Apparently, on perusal of the FIR as well as the submissions made on behalf of the learned State counsel, there is no benefit derived by the petitioner in



the light of above and nothing is to be recovered from the petitioner, his interrogation and custody is not deemed to be necessitated at this stage.

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 10 days 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 a



period of 10 days, the order passed by this Court today shall automatically, stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

03.10.2024
Sangeeta

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