



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214

CRM-M-50407 of 2024

Date of decision: 21.10.2024

Danial Masih @ Daniel Masih

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pratham Sethi, Advocate for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

Relief Sought

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked seeking the concession of regular bail for the petitioner in FIR No.206 dated 05.10.2021 under Sections 417,419,420,465,466,467,468,471,120-B IPC registered at Police Station Sujampur, District Pathankot.

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

"12. FIR contents (Attached Separate sheet, if required): Enquiry Report 1. Sh. Suresh Mahajan s/o Satpal Mahajan 2. Shweta Mahajan w/o Suresh Mahajan c/o Subhash Mahajan Kiryana Store, Bemial, Pathankot had filed above writ petition no. CRM-M-29249 of 2021 before Hon'ble Punjab & Haryana High Court Chandigarh and Hon'ble High Court after hearing the matter had passed order dated 28.07.2021 in above said writ petition and the order is "...in view of above, the present petition is disposed of with direction to respondent no.4- Inspector General of Police, Border Range, Amritsar, to look into and decide representations dated NIL (Annexures P/2 and P/3), representations dated 23.09.2020, 20.01.2021 and 28.04.2021 (Annexures P/7 to P/9 respectively) in accordance with law by passing speaking orders and that too within two months positively from the date of receipt of copy of this



order." In compliance of order dated 28.07.2021 of Hon'ble Punjab & Haryana High Court Chandigarh, copies of representations attached with the writ petition filed by the petitioners were perused by the undersigned. The Petitioners have levelled allegations in their representations that opposite party Manoj Kumar etc. have fraudulently got sale deed registered /registry of their land measuring 1 Kanal 12.37 Marla and 1 Kanal 6 Maria land situated at Mamoon District Pathankot, by producing impersonator man and woman in place of Suresh Mahajan and Shweta Mahajan. To inquire into the allegations raised in the representations made by the petitioners; the statements of petitioners, opposite side and other related persons were recorded after joining them in the enquiry. The contents of which are that- From the Petitioners side- Petitioner Suresh Mahajan aged about 52 years s/o Satpail Mahajan r/o Block A-2, House no, 15 First Floor Sector 17 Rohini New Delhi Mobile no 8810697758 joined in enquiry and stated I am resident of above mentioned address. I am doing the business of transportation. I have my own trucks and my transport business extends to Punjab Himachal Pradesh and Jammu & Kashmir I have come present in your office on your asking in relation to writ petition no CRM-M-29249 of 2021 which was filed by me. That Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o Village Jaash Post Office Bansa Bajira Tehsil Noorpur District Kangra Himachal Pradesh was having a Kiryana store. Due to my transport business since year 2004-2005 Manoj Kumar used to take kiryana items from me. During this period I become well acquainted with Manoj Kumar I developed good relations with Manoj Kumar and I often used to visit his house. I have 1 Kanal 12 Marla godown land in my name and 1 Kanal 6 Maria godown land in the name of my wife Shweta Mahajan which land is situated in Mamoon Pathankot. The details of which are 1 Kanal 12.37 Maria total 6674 square feet land bearing Khasra no 2248(5-11) 16/111 share ie 0-16 Marla and Khasra no 21621/(16-1) 737/32100th share ie 737 Marta land and Khasra no 2245 Min East 2618 2245 Min West 08 total land 27 Kanal 6 Maria 3182th share ie 09 Maria and in this total land is 1 Kanal 12.37 Marla situated at Gaushala Road opposite Canada Palace and my wife Shweta Mahajan has land in her name details of which are land



situated at Mamoon Cantt Pathankot Khewat no101 Knatoni no 1348 Khasra 2247/1 (5-11), 3201/2522/2568 (56-8) Kitta2 total 61 Kanal 19 Marla 26/1239th share i.e. total 1 Kanal 6 Marla. In year 2015-16. I suffered huge losses in business, due to which I had gone into depression. As I had family relations with above said Manoj Kumar, I handed over photocopies of papers of the above said properties belonging to me and my wife Shweta Mahajna's and also handed over keys of lock affixed on property to above said Manoj Kumar and had asked him to get my land sold to some good purchaser after showing the land, if needed. After passage of a long time I enquired from above said Manoj Kumar regarding sale of above said land, but above said Manoj Kumar kept on lingering the matter, due to which I got suspicious of above said Manoj Kumar. I enquired about the matter and came to know that in the year 2017, my above said land measuring 1 Kanal 12.37 Marla has been sold by Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o Village Jaash, Post Office Bansa Bajira, Tehsil Noorpur, District Kangra, Himachal Pradesh, PS Noorpur, by impersonating me and by projecting his friend Raman Kumar s/o Vishwa Nath, Caste Brahmin, r/o Shivaji Nagar, Gali no.2. Dhangu Road, Pathankot on 4.02.2016 vide stamping certificate no. I.N.-P.B 01680878879379, for total sale consideration of Rs 19,50,000/- by presenting said Raman Kumar in my place and Manoj Kumar stood as purchaser before Sub-Registrar and got photograph clicked before Sub-Registrar and Vijay Kumar s/o Kishan Chand r/o village Ghoawadi Mangani. Jugial Road, Pathankot and Amarjit Singh Nambardar s/o Girdhari Lal r/o Ward no.8, Vishnu Nagar, Limini, near Maharaja Palace Pathankot, stood as witnesses. In addition to this. Manoj Kumar s/o Shambhu Dutt S/o Nathu Ram r/o Village Jaash, Post Office Bansa do urt Tehsil Noorpur, District Kangra, Himachal Pradesh, PS Noorpur, had also sold land of my wife Shweta Mahajan i.e. 1 Kanal 6 Maria land by presenting his wife, Renu Sharma w/o Manoj Kumar in place of my wife Shweta Mahajan and had fraudulently sold said land to Neetu Bala d/o Ashok Kumar r/o House no. 3140, Bazar Hakima Amritsar on 4.02.2016 vide stamping certificate no. I.N.P.B. 01680838913500. At the time of registration, Vijay Kumar S/o Kishan Chand r/o village Ghoawadi



Mangani, Jugial Road, Pathankot and Amarjit Singh Nambardar s/o Girdhari Lal r/o Ward no.B. Vishnu Nagar, Umini, near Maharaja Palace Pathankot, stood as witnesses. In this regard I had given an application no. 2135 dated 26.10.2017 to SSP Pathankot, in this regard we had arrived at compromise in year 2018 and aforesaid Manoj Kumar had admitted that he will return the value of land to me within one and half year. Due to this compromise I got my application no. 2135 dated 26.10.2017 consigned to record room. But later on in year 2019, aforesaid Manoj Kumar further sold the above said land measuring 1 Kanal 12.37 Marla total 6674 square feet land to Mohan Chanchalani s/o Arjan Dev Chanchalani s/o Seth Sidhu Mal Chanchalani r/o Bajri Company, College Road, near Oberol Nursing Home, Pathankot and aforesaid land measuring 1 Kanal and 6 Marla was also sold to Akshay Mahajan S/o Ashok Mahajan r/o Rampura Mohalla, near Government Primary School, Dalhousie Road, Pathankot through Neetu Bala. In this manner aforesald Manoj Kumar resiled from the condition of the compromise and did not return my money in the year 2019 and got one case registered against me. After making enquiry from the office of Sub-Registrar Pathankot, I came to know that the photos which were affixed at TRUE SCANNED Comthe time of registration of sale deed by Renu Sharma w/o Manoj Kumar, those photographs were later on changed by entering into connivance with employees of the Sub-Registrar office le Daniel Masih, Pramod Kurnar and Smt, Parshotama Devi by tampering the record by hatching a deep conspiracy. In relation to this land i also obtained one report from SDM Pathankot on 14.07.2020, who in his report has written that the sale deed of above land was got registered by tampering the record and getting changed the photos by Manoj Kumar in connivance with officials of Sub- Registrar Office le. Daniel Masih, Pramod Kumar and Smt. Parshotama. In this manner above said Manoj Kumar, Renu Sharma w/o Manoj Kumar in connivance with employees of Sub-Registrar office i.e. Daniel Masih, Pramod Kumar and Smt. Parshatama Devi by tampering with the record of office of Sub-Registrar and by fraudulently getting my and my wife's property in their name and by further selling it, have committed fraud with me. Therefore, appropriate legal action in regard to fraudulently



usurping of property, may kindly be registered a case against above persons and justice may be delivered to me." Opposite party- Manoj Kumar s/o Shambhu Dutt r/o Village Jaash, Post Office Vasa Vajira, Tehsil Noorpur, District Kangra (Himachal Pradesh), aged about 47 years, mobile no. 7440000081, joined in enquiry and stated that- 'I am resident of above mentioned address and I have a Kiryana shop. I have come present in your office on your asking in relation to writ no. CRM-29249/2021 filed by Suresh Mahajan s/o Satpal Mahajan. We had some money dispute and land dispute in year 2015/2016 with Suresh Mahajan, s/o Satpal Mahajan, r/o Block A-2, House no.15. First floor, Sector 17, Rohini, New Delhi and his wife Shweta or Gupta. On 22.10.2017 one FIR no. 326/2017 u/s 420/506/34 IPC was registered against Suresh Mahajan and others in PS Noorpur. Himachal Pradesh by me. in counter blast, Suresh Mahajan due to enmity gave one application no. 2135 dated 26.10.2017 against us before SP Pathankot, in which application he did not mention anything about Neelam Kumari and Sulakhan Singh because I had first met Sulakhan Singh on 18.11.2019 in Police Station Division no.2 Pathankot. At that time, Suresh Mahajan had got registered one false FIR no. 794/2019 u/s 381 IPC dated 17.11.2019 registered at PS Samaypur Baadli, New Delhi against Sulakhan Singh s/o Jagtar Singh r/o Ludhiana. In that case, Suresh Mahajan, to make cut an offence, had taken signatures of Sulakhan Singh on blank papers and he had prepared one false affidavit of Sulakhan Singh himself, Before registration of FIR and had signed the same and on the basis of this affidavit another FIR no. 511 dated 25.07.2019 u/s 406 IPC was registered in PS Samaypur Baadli, New Delhi, In this case on 24.02.2021 FSL Rohini, Delhi had given report regarding the signatures of Sulakhan Singh and as per this report the signatures of Sulakhan Singh did not match and it was found that signatures were affixed by Suresh Mahajan only and further investigation of this case is pending at PS Samaypur Baadli, New Delhi. By creating pressure of this FIR, another FIR no. 794/2019 dated 17.11.2019 was got registered against Sulakhan Singh, in which on 18.11.2019 Suresh Mahajan along with two officers i.e. ASI Parveen Kumar and Constable Santy George of PS Samaypur Baadli, New Delhi along with two unidentified persons after



arresting Sulakhan Singh from Ludhiana came to PS Division no.2 Pathankot and thereafter they brought Raman Kumar s/o Vishwanath to PS Division no.2 Pathankot from his house and they got Raman Kumar to call me and enquire whether I am at home. After some time police party along with Suresh Mahajan came to my village Jaash (Himachal Pradesh) and without telling me anything took me with them in the car and they deliberately left their own phone with their fellow companions at Pathankot and after reaching PS Division no. 2 Pathankot, they took their respective phones and they also snatched my phone. Thereafter, without giving any notice, rapat was registered against me and Raman Kumar in the police station and they took us to Delhi. On the way, they asked me to switch on my phone near Jalandhar and call my family to bring Rs. 2 Crore and reach PS Samaypur Baadli. Next day when no person from my family came to PS Samaypur Baadli, they produced me before Court and obtained 5 days remand. On 20.11.2019 they brought us to Pathankot and they kept us in captivity by tying our hands and legs in private Hotel Arise for three days and they kept on pressurizing us to give money. After that they kept the employee of Sub-Registrar office i.e. Pramod Kumar for three days in the hotel, who was already known to Suresh Mahajan. On 23.11.2019 when they did not get any money from my family, they again took me to Delhi and obtained two days police remand and when they could not get money, they lodged me in Tihar Jail. On 7.12.2019 when our counsel produced application no.2135 Peshi, dated 26.10.2017 given to SP Pathankot, before Court in which it was written by Suresh Mahajan that I had very good relations with Manoj Kumar and I had handed over original papers of my property to Manoj Kumar in my senses and Manoj Kumar, Renu Sharma and Raman Kumar further wrongly sold my lands and I had suffered huge losses; TRUE SCANNED COPYDuring investigation on 20.03.2018 both the parties had entered into compromise and application no. 2135 was consigned to record room and investigation officer had prepared a cancellation report in FIR no. 326/2017 PS Noorpur, Himachal Pradesh and the said report was submitted in Court, after which our money dispute and land dispute had been settled. But Suresh Mahajan had got registered FIR 794/2019 against Sulakhan Singh



by stating that some documents were stolen by him in 2015 and in that regard Suresh Mahajan had got signatures of Sulakhan Singh on blank papers and Suresh Mahajan fabricated these papers and got written on them that Sulakhan Singh had obtained these documents by theft from Delhi office of Suresh Mahajan in the year 2015, who (Sulakhan Singh) had further sold these documents to Manoj Kumar, Renu Sharma and Raman Kumar for Rs. 25 lakhs, which fact is absolutely wrong and due to this Ld. Court had granted bail to me and Raman Kumar on 07.12.2019 and on 13.12.2019 Renu Sharma was also granted anticipatory bail and after truth being unravelled we were discharged from case FIR no. 794/2019 on 16.03.2020 and SHO PS Samaypur Baadli, New Delhi and ASI Parveen Kumar and Const. Santy George had also faced Vigilance Department and Delhi Police Commissioner opened a departmental Inquiry against all three police officials who were relegated to PCR duty on 6.01.2021. After that Suresh Mahajan had challenged the discharge order dated 16.03.2020 before Session Court, Rohini by way of appeal which is pending. On 23.07.2020 one false FIR no. 194/2020 u/s 323/324/325 IPC was got registered at PS Bahadurgarh, Haryana, in which FIR I had gone to PS Bahadurgarh Haryana and got my statement recorded. Thereafter, Suresh Mahajan had given application no. 40-IGP and 41-IGP against us to IGP, Border Range, Amritsar on 19.02.2020 and had got Munish Arora to give one application no. 61-IGP dated 12.03.2020 and application no. 68-IGP dated 14.03.2020 and Akshay Mahajan to give application no. 2693 dated 6.12.2019. These applications after investigation were consigned to record room on 28.07.2020 by your good self. When all the cases had gotten over, then Suresh Mahajan after conniving with Ashish Arora prepared one false affidavit in Hindi in back date by using stamp paper purchased on 19.03.2018 from Batala and after getting the same notarized from District Gurdaspur and used the same in Civil Court Pathankot. When I gained knowledge of this fact, I took the affidavit and went to the office of IGP, Border Range. Amritsar and IGP, Border Range, Amritsar had marked the enquiry of same to SP Headquarter, Pathankot. During this investigation Notary Public Bikram Singh and witness Advocate Sukhwinder Singh had got their statements recorded that



about 6 months ago this affidavit was prepared and for preparation of the same Suresh Mahajan had come along with Ashish Arora, resident of Amritsar and said Ashish Arora had presented himself as Manoj Kumar. After this, SP Headquarter, Pathankot had sought legal opinion from ADA Legal and FIR no. 1/2021 v/ 419,420,465,467,468,472,1208 IPC was registered against both the above said persons in PS Division no.1 Pathankot. After which Ashish Arora had moved an application for his innocence through his relative before IGP, Border Range, Amritsar and had got marked the said application to SP Pathankot. But during investigation, he got said application marked from the office of A.D.G.P, Director Bureau of Police, Punjab to SP S.Kamalpreet Singh Chahal, Traffic, Amritsar Rural. Thereafter Bikram Singh Notary Public and witness Advocate Sukhwinder Singh had got their statements recorded. On 27.05.2021 I also appeared before A.D.G.P. Director Bureau of Police, Punjab for enquiry and requested to transfer the enquiry to some other District because Ashish Arora is resident of Amritsar District and after that file was called by A.D.G.P. Director Bureau of Police, Punjab to himself and the same is pending. We presented application before Treasury Officer, Batala under RTI in regard to stamp number AC357098, who in his report had stated that said stamp number could not be traced from the record and thus incompetence to supply said information was stated. In FIR no. 1/2021 Suresh Mahajan was arrested from Sonipat on 2.03.2021 and during police remand Suresh Mahajan refused to give original affidavit. Thereafter, Suresh Mahajan filed writ before High Court by concealing material facts. Suresh Mahajan has filed all cases/FIR and writ only to harass us and extract money from us and there is no truth in any case. Suresh Kumar has made one false affidavit of Rs. 1.80 crores as basis for all the cases. Therefore, strict legal action should be taken against Suresh Mahajan and FIR be registered against him and justice be delivered to us. I have recording of talks between me and Suresh Mahajan, which I am submitting to you in pen drive for further proceedings. On 20.09.2021 Manoj Kumar aged about 47 years s/o Shambhu Dutt s/o Nathu Ram r/o village Jaash, Post Office Bansa Bajira, Tehsil Noorpur, District Kangra, Himachal Pradesh, PS Noorpur, mobile no. 7440000081 again got



his statement recorded, contents of which are - "I am resident of above mentioned address and I have come present in relation to complaint given by Suresh AJAY ORIGINAL Cor Mahajan s/o Satpal Mahajan r/o Pashchim Vihar, Delhi. In this regard, I have got my statement recorded on 9.08.2021 by coming present. My earlier statement may be considered as my statement. Question no.1 - Did you get sale deed dated 4.02.2016 registered from Suresh Mahajan s/o Satpal Mahajan rio Delhi in favour of yourself Manoj Kumar for land measuring i Kanal 12,37 Maria and whether Suresh Mahajan was present at the time of registry or not? Answer- Suresh Mahajan was present in the office of Tehsildar on 4.02.2016 Le. at the time of registration of sale deed by Suresh Mahajan s/o Satpal Mahajan r/o Delhi in my favour for land measuring 1 Kanal 12.37 Marla. But in the photograph appended in the registry, photo of Raman Kumar s/o Vishwanath, caste Brahmin r/o Shivaji Nagar, Gali no.2.Dhangu Road, Pathankot is present in place of Suresh Mahajan. Question no.2 Whether signatures of Suresh Mahajan are present in the registry or not? Answer- I don't know about it. Question no.3- Whether your signatures are present in registry? Answer- Yes. Question no.4 In registry there are two witnesses apart from Suresh Mahajan, whether they have witnessed It? Answer- Witness Amarjit Singh Namabrdar and Vijay Kumar have witnessed the registry but I don't know them. Question no.5- Who purchased the stamp paper for registry? Answer- Registry stamp paper was purchased by Suresh Mahajan but not in my presence, Question 6- Since when do you know Raman Kumar s/o Vishwanath, caste Brahmin r/o Shivaji Nagar, Gali no.2, Dhangu Road, Pathankot? Answer- I know Raman Kumar s/o Vishwanath, caste Brahmin r/o Shivaji Nagar, Gali no. 2, Dhangu Road, Pathankot since year 2002. Question 7- Since when do you know Suresh Mahajan s/o Satpal Mahajan r/o Pashchim Vihar, Delhi? Answer- I know by Suresh Mahajan s/o Satpal Mahajan r/o Pashchim Vihar, Delhi since year 2005. Renu Sharma aged about 47 years wife of Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/0 village Jaash, Post Office Bansa Bajira, Tehsil Noorpur, District Kangra. Himachal Pradesh, PS Noorpur, mobile no. 7440000081. Joined Investigation and got her statement recorded that- "I am resident of above mentioned



address and I am a house wife. My husband Manoj Kumar has kiriyana shop in village Jaash. I have come present with my husband Manoj Kumar in relation to complaint filed by Suresh Mahajan S/o Satpal Mahjan r/o Pashchim Vihar. Delhi. In this regard my husband has already got his statement recorded on 9.08.2021. I verify the statement recorded by my husband and I am in agreement with same. His statement may be read as my statement, Statement has been recorded. Question no.1- Did you get sale deed dated 04.02.2016 registered from Shweta w/o Suresh Mahajan r/o Delhi in your favour and whether Shweta was present at the time of registry or not? Answer- Shweta was present at the time of registry. Question no.2- There is no photo of Shweta in registry? Answer- No, it is my/Renu Sharma photo. Question no.3- Whether the photograph (of seller) appended with the registry before the Tehsildar is yours? Answer- Yes, it is my photo, at that time Shweta w/o Suresh Mahajan was not present. Question no.4- In registry there are two witnesses apart from Shweta, whether they have witnessed it? Answer- witnesses are apart from Shweta. Statement of Raman Kumar s/o Vishwanath, caste Brahmin r/o Shivaji Nagar, Gali no.2, Dhangu Road, Pathankot, PS Division no. 2 Pathankot aged about 47 years mobile no. 9888602518, was got recorded in hindi language, which was appended with the record and he admitted in investigation that Suresh Mahajan got registry in favour of Manoj Kumar on 4.02.2016 and also admitted that on the said registry his signatures are present and that Suresh Mahajan was not present in the office of Tehsildar at the time of registry. Munish Arora s/o Chand Kumar r/o House no. 45. Aman Avenue, Gate Hakira, Amritsar aged about 38 years, mobile no. 9814177707 got statement of his wife Neetu Bala recorded on her behalf and joined investigation and stated that - I am resident of above mentioned address and I work in a soap factory and do business of supply of soap. I usually visit Punjab, Himachal and Rajasthan for supply of soap. That Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o village Jaash PO Bansa Bajira Tehsil Noorpur, Distret Kangra, Himachal Pradesh had a Kiriyana shop. I used to supply to Manoj Kumar during year 2013- 14. During this period I got acquainted with Manoj Kumar and we had money dealings also. In 2016 Manoj Kumar told me that one of his



acquaintances has a good plot near Pathankot and that I can purchase the same. I wanted to expand my business and I never met or saw his wife. Manoj Kumar agreed to get the deal struck. Manoj Kumar took me to Mamoon area. Pathankot and showed me the plot and I agreed to pay Rs. 15 lakhs for the same. Being a business man I had money, I had drawn a cheque of about Rs. 8 to 10 lakhs from the account of my firm and on the asking of said Manoj Kumar, I and my wife Neetu Bala daughter of Ashok Kumar, r/o Bazar Hakima, Amritsar went to Pathankot for the purpose of registry. Manoj Kumar met us in Tehsil, Pathankot and introduced one lady to us and stated that she is owner of the plot Shweta Gupta. That Manoj got scribed the registry, from his known deed Copywriter Joginder Thakur in name of my wife Neetu Bala for total of Rs. 15 lakh. These Rs. 15 lakh were given to Manoj Kumar by me. Shweta Gupta w/o Suresh Gupta, r/o Dethi got registry in the name of my wife Neetu Bala and Amarjit Singh Nambardar and above Vijay Kumar had appended their signatures as witnesses. Both these persons were known to Manoj Kumar. Due to business reasons I had sold above said I Kanal 6 Maria land on 3.08.2017 through my wife to Akshay Mahalan s/o Ashok Mahajan r/o Rampura Mohalla, near Government Primary School, Dalhousie Road, Pathankot. This land was got further sold to Akshay Mahajan by us through Manoj Kumar. After about two years. Akshay Mahajan gave one complaint against my wife Neetu Bala at Pathankot stating therein that he had purchased 1 Kanal 6 Maria land and at the time of purchase by Neetu Bala, Renu Sharma w/o Manoj Kumar stood in place of real owner Shweta Gupta and got the sale deed registered. In this regard we had also moved an application before the office of IG, Punjab against Manoj Kumar and his wife Renu Sharma, which was sent to District Pathankot for enquiry and the said application was numbered 68-IGP dated 14.03.2020. We had gone for enquiry to SP-D Pathankot where our statements were got recorded. We are not aware as to what action has been taken on said application. Manoj Kumar and Renu Sharma have committed fraud with us. Renu Sharma projected herself to be Shweta Gupta and got the registry done in favour of my wife. Appropriate action be taken against them. At present my wife Neetu Bala has gone outside to



visit relatives. Statement has been got recorded and is correct." Joginder Thakur aged about 51 years s/o Jaswant Singh r/o Ward no.2, Abrol Nagar, Pathankot, PS 39 14:24 SCANNED COPYDivison Nagar 1, CHANDIGARH Pathankot mobile no. 9815580681, joined enquiry and got recorded his statement I am resident of above RDIGARH M-A150407/2024 PETITIONER 3034 ourt RESPONDENT t do 18 1 @ SADAK ANKOT Station Days 14 0 0 14) 21.10.29 14:24 SCANNED PICOMICIGARH mentioned address. I work as dead writer in Tehsil Complex Pathankot in Chamber no. 27 since last about 31-32 years. It is my job to write sale deeds. That the computerized registry dated 4.02.2016 of 1 Kanal 12.37 Maria land, executed by Suresh Mahajan, s/o Satpal Mahajan, r/o Paschim Vihar, Delhi in favour of Manoj Kumar s/o Shambhu Dutt s/o Nathu Rain r/o village Jaash PO Bansa Bajira Tehsil Noorpur, District Kangra, Himachal Pradesh. had been typed by me. I personally don't know Suresh Mahajan or Manoj Kumar. Amarjit Singh Nambardar and Vijay Kumar s/o Kishan Chand r/o Village Ghoawadi Mangini, Jugial Road, Pathankot are witnesses to registry. I personally know Amarjit Singh and Vijay Kumar. Registry was typed by me and is computerized. I cannot tell which photo appended on the registry is of Suresh Mahajan. We make an entry of registries in our register and I have entered this registry in my register. I take signatures of seller, purchaser and both witnesses in my register. Statement has been got recorded and is correct. Question no.1- Did Amarjit Singh Namabrdar witness the registry on your asking? Answer- This is correct that Amarjit Singh Namabrdar did not personally know seller or purchaser. It usually happens that whenever someone comes for registry and they don't have witnesses, then we ask our known persons to witness the same. Amarit Singh Namabrdar had put his signatures as witness in my presence on the registry of Manoj Kumar. Question no.2- You have written the registry but you have not written the aadhar card number of the seller or purchaser? Answer- Yes, registry was written by me but aadhar card number of the seller or purchaser was not COPritten and I don't have their record also. I had deposited the registry in the Tehsil after scribing the same. Amarjit Singh Nambardar aged about 49 years s/o Girdhari Lal r/o Ward no.8. Vishnu Nagar, Liminea, near



Maharaja Palace, Pathankot, PS Division no.1 Pathankot mobile no. 9872827016. joined the investigation and recorded his statement that-I am resident of above mentioned address and i am the present Nambardar. I am doing work of typing since 2005 in Chamber no. D-13 of Tehsil Pathankot, due to this I know many people in Tehsil Pathankot. That deed writers and other typists etc. of the Tehsil are aware that I am Nambardar. On 4.02.2016 I was present in my chamber in Tehsil Pathankot. Joginder Thakur, r/o Abrol Nagar Pathankot presently deed writer in Tehsil Pathankot mobile no. 9815580681, who knows me, asked me that there is one registry of his known person and if I can witness the same as Nambardar. Registry dated 4.02.2016 of Suresh Mahajan s/o Satpal Mahajan r/o Pashchim Vihar, Delhi in favour of Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o village Jaash Post Office Bansa Bajira Tehsil Noorpur, District Kangra, Himachal Pradesh of land measuring 1 Kanal 12,37 Maria, has been witnessed by me. Today you have shown me photocopy of registry and there are photographs affixed on the registry. I know one person out of these i.e. Manoj Kumar and I have seen the other person but I don't know that person. I had witnessed the registry on asking of Joginder Thakur, deed writer. My signatures are present on the registry which has been seen by me. Statement has been got recorded and is correct." Question no.1- Since when do you know Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o village Jaash Post Office Bansa Bajira Tehsil Noorpur, District Kangra, Himachal Pradesh? Answer- Manoj Kumar used to visit Joginder Thakur deed writer. I saw Manoj Kumar with Joginder Thakur deed writer. Question no.2- Do you know Suresh Mahajan s/o Satpal Mahajan r/o Pashchim Vihar, Delhi? Answer- I don't know above said Suresh Mahajan and I have not personally met and seen him. Question no.3- Today Vijay Kumar s/o Kishan Chand r/o village Ghaawadi Mangini, Juglal Road, Pathankot PS Shahpur Kandi. Pathankot has also joined investigation and has got his statement recorded in your presence and he has stated that he had witnessed on your (Amarjit Singh Nambardar) asking, as he personally doesn't know Suresh Mahajan? Answer- It is correct that Vijay Kumar had witnessed the registry on my asking. Vijay Kumar is known to me since long. Vijay Kumar aged about 43 years s/o



Kishan Chand r/o village Ghoawadi Mangini, Jugial Road. Pathankot PS Shahpur Kandi, Pathankat mobile no.7888952374 Joined investigation and got recorded his statement that - I am resident of above mentioned address and I am a labourer. Amarjit Singh Nambardar who does typing work in Tehsil Pathankot is my friend/since last many years and is well known to me. We have family relations with each other and we often visit each other's house. I usually visit Amarjit Singh Nambardar in Pathankot Tehsil. The photocopy of registry which you have shown to me today, this registry dated 4.02.2016 of land measuring 1 Kanal 12.37 Maria was got registered by Suresh Mahajan s/o Satpal Mahajan r/o Pashchim Vihar, Delhi in favour of Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o village Jaash Post Office Bansa Bajira Tehsil Noorpur, Distret Kangra, Himachal Pradesh. I have properly seen the registry, the same bears my signature as witness and I have witnessed the same. There are photos appended on the registry and I don't know both the persons whose photo is present. I witnessed this document on the asking of my friend Amarjit Singh Nambardar. I didn't know who Suresh Mahajan or Manoj Kumar was and I have never met them. I signed the document only on the asking of Amarjit Singh. Statement has been got recorded and is correct. Mohan Chanchalani aged about 42 years s/o Arjan Dev Chanchalani s/o Seth Sidhu Mal Chanchalani rio Bajri Company, College Road. near Oberol Nursing Home, Pathankot, PS Division no.2 Pathankot. mobile no. 9855299042, Joined investigation and got recorded his statement that-I have scrap business near Bajri Company. College Road. On 3.07.2019 Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o village Jaash Post Office Bansa Bajira Tehsil Noorpur, District Kangra, Himachal Pradesh sold me land measuring 1 Kanal 12.37 Marla total 6674 square foot land bearing Khasra no. 2248 (5-11) 16/111 share i.e. 0-16 Maria and Khasra no. 2162/1 (6-1) 737/32100 share i.e. 7.3 Maria land and Khasra no. 2245 Min East (26-18)-2245 Min West (0-8), total land 27 Kanal 6 Maria 3/182 share i.e. 0-9 Maria land and in this manner total land is 12.37 Maria situated at Gaushala Road, opposite Canada Palace, Pathankot for total sale consideration of Rs 25 lakhs and had got the sale deed registered vide stamping certificate no. IN PB07576868318159-R dated 1.07.2019,



registration fee receipt no. PB1203211907617 dated 3.07.2019. When I had purchased the above land, said land was in shape of empty plot without four walls and without any building structure. After purchase I had raised the four walls, and raised one shed in the property. After about 5-6 months, Delhi Police visited my house and through them I came to know that land which was corpurchased by me from Manoj Kumar, said land was actually of Suresh Mahajan and Suresh Mahjon s/o Satpal Mahajan r/o Pashchim Vihar. Delhi had given an application against me and some other persons for fraudulently transferring land in the name of Manoj Kumar from Suresh Mahajan. In this regard I was joined with Investigation and told that land which I have purchased from Manoj Kumar is actually of Suresh Mahajan. Manoj Kumar has fraudulently got such land recorded in his name (in place of Suresh Mahajan) from the revenue department. I have paid/transferred an amount of Rs. 25 lakhs in the bank account of Manoj Kumar through various RTGS from my ICICI bank account no. 027101540141 Branch Patel Chowk Pathankot and from my Bank account no. 07282011000313 of Oriental Bank/Punjab National Bank branch Dhangu Road, Pathankot, Last transfer was made on 1.7.2019. I am in possession of the land qua which sale deed was got registered. I produce before you the photocopy of sald registry containing 2 pages. Question 1- As per your statement, you got aware in the year 2019 that land which has been purchased by you from Manoj Kumar, Said land was got registered in name of Manoj Kumar from Suresh Mahajan fraudulently. In this regard I did you move any application/complaint against Manoj Kumar before Revenue Department, Police Department or any other court? Answer- I have not instituted any complaint or case till date against above Manoj Kumar. Akshay Mahajan s/o Ashok Mahajan, resident of Rampura Mohalla, Near Government Primary School, Dalhousie Road, Pathankot, PS Division No.2 Pathankot aged about 48 years Mobile No. 88472-85310 joined investigations and stated that- "I am resident of above mentioned address. I do business of finance in the name and style of M/s Guru Piaramal Pritpal Shraff Inner Bazaar. Pathankot. I purchased land bearing Khewat no.101. Khatoni no. 1348 Khasra no. 2247/1 (5-11), 3201/2522/2568 (56-8) Total 61 Kanal 19 Marla land 26/1239



share i.e. total 1 Kanal 6 Maria land from Neetu Bala w/o Ashok Kumar, resident of House No.3140. Bazaar Hakima, Tehsil and District Amritsar vide stamp receipt Certificate no. IN PB04154072619907-P dated 28.7.2017 and vide receipt no. PB1203371708571 dated 3.8.2017 before Sub-Registrar Pathankot, for total sale consideration of Rs. 13 Lacs 26 Thousand. Neetu Bala herself had got sale deed registered in my name. Rajinder Kumar Nambardar Tehsil Pathankot and Suraj Kumar s/o Late Mohinder Singh resident of Mohalla Rampura, Pathankot had witnessed the registry on the spot. 1 Kanal 6 Marla land purchased by me was in shape of empty plot. Now I have raised four walls in this land and this land is still possessed by me. In the year 2019, Delhi Police had arrived at my shop and from them I got to know that the land which was purchased by me from Neetu Bala, was purchased by Neetu Bala from a lady by name of Shweta. As I had been defrauded, I had moved a complaint in year 2019 before SP Pathankot against Neetu Bala. I had made payment of Rs. 5 lacs through cheque no. 044351 drawn on Bank of India and Rs. 8 Lacs 26 Thousand through cheque no. 044363 dated 33.8.2017 drawn on Bank of India. The sale deed which I had got registered is of three pages and same is being produced before you. Statement has been got recorded, heard and is correct.

Question No.1- Since how long do you know Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o village Jaash Post Office Bansa Bajira Tehsil Noorpur, Distret Kangra, Himachal Pradesh?

Answer- Manoj Kumar was present in 4:24 Rathankot, with Neetu Bala at the time of registration of sale deed In the year of 2017. Daniel Masih, Junior Assistant, Branch District Nazar, Office of Deputy Commissioner Pathankot Mobile no. 94632 25962. joined investigation and stated on behalf of Registry Clerk and Computer Operator of Office of Sub-Registrar Pathankot that. - am presently posted as Junior Assistant in District Nazar Office of Deputy Commissioner. I have come present in your office, on your asking in relation to writ filed by Suresh Mahajan. On 4.2.2016, when registry of land situated at Mamoon Cantt was made, I was not posted at this post (Junior Assistant). Departmental enquiry is already pending regarding this matter before Deputy Commissioner Pathankot. I have done no wrong. Prabodh.



Computer Operator, Registration Branch, Tehsil Pathankot Mobile No. 9041151009 joined investigation and recorded his statement that-'I am posted as Computer Operator (Registration Branch), in aforesaid office. I have come present in your office, on your asking in relation to writ filed by Suresh Mahajan. I am working in above said office since year 2000-2001. Whenever any sale deed is got verified by Tehsildar, the same is sent to Registry Clerk and he after checking the same, sends it to me to computerize the same. Thereafter I click photographs of Tehsildar, seller, buyer and witnesses and after taking out the printout of the registry I give it to Registry Clerk. Thereafter further proceedings are conducted by Registry Clerk only. I have no relation with tampering of the record and I have not done any tampering of the record in relation to this registry, because this record is available with registry clerk only. Tehsildar Pathankot was asked to produced hard copy and CD of registry of land of Suresh Mahajan and Shweta Mahajan which Corregistry was made in Sub-Tehsil Pathankot and Tehsildar Pathankot has produced both registries/sale deeds vide letter no.894 dated 20.9.2021 i.e. Photocopy/ and CS of Pdf/Scan Copy of Sale deed no. 5680 dated 4.2.2016 and Sale deed no.5686 dated 4.2.2016. Above said letter, Hard Photocopy and CD are appended with the report, Petitioner was shown the copies of the registries and he has stated that registry which is shown to be made by Suresh Mahajan Is in fact made by Raman Kumar, as is clear from photo appended on the registry and registry shown to be made by Shweta Mahajan Is in fact made by Renu Sharma w/o Manoj Kumar, as is clear from photo appended on the registry. SDM Pathankot submitted enquiry report no. Steno-1362 dated 14.7.2020 In regard to tampering of record by employees of office of SDM Pathankot in relation to above sald registries. The repart is - In light of Statements, Report of Tehsildar Pathankot and above mentioned facts, I have reached the conclusion that registry clerk of that time i.e. Sh. Daniel Masih, presently registry clerk Dhar Kalan, had Issued copies of sale deed No. 5680 dated 4.2.2016 and sale deed no. 5686 dated 4.2.2016. There has been some tampering of record in the original office copy and in the copy of sale deeds which were issued on the application for applying the same. During investigation real facts have been concealed and wrong



statements have been recorded, which is a very serious matter and office record has been tampered. This employee has committed serious misconduct. Thus appropriate departmental enquiry should be conducted against this employee, as record of Registration branch used to be in custody of this employee and certified copies etc were prepared and Issued by this employee only and It was the duty of this employee to maintain the record. This employee should be immediately withdrawn from public dealing and from work of registry clerk from Tehsil offices. In addition to this Prabodh Kumar, Computer Operator is also found to be conniving with this misconduct. Therefore it is recommended that appropriate departmental enquiry as per rules should be conducted against Daniel Mash and Prabodh Kumar. The report of SDM is appended with the report of this case. Perusal of earlier conducted enquires in this matter by SP- Investigation, District Pathankot, reveals that one application no.2135 dated 26.10.2017 is there. SP- Investigation Pathankot after conducting Investigation given by various persons. has submitted in his report that- "During investigation of application, applicants were heard and documents (Mark-A) supplied by them were perused. As per documents (Mark-B) of Suresh Mahajan and his wife Shweta Gupta, there was land in village Mamoon. Pathankot, ie, land measuring 1 kanal 12.37 marla in name of Suresh Mahajan and land measuring 1 Kanal 6 Marla in name of Shweta Gupta, Manoj Kumar made his friend Raman Kumar to stand in place of Suresh Mahajan in Tehsil Complex Pathankot and In connivance with witnesses Amarit Nambardar and Vijay Kumar, Member Panchayat, he has got registry of land of Suresh Mahajan measuring 1 Kanal 12.37 marla in his name on 4.2.2016 and he further sold this land to Mohan Chanchlani on 3.7.2019. Manoj Kumar, made his wife Renu Sharma stand in place of Shweta Gupta and transferred land of Shweta Gupta measuring 1 Kanal 6 Maria in name of Neetu Bala, in connivance with witnesses Amarjit Nambardar and Vijay Kumar, Member Panchayat and Manoj Kumar on 4.2.2016 and Neetu Bala further sold this land to Akshay Mahajan on 3.8.2017, Whereas Manoj Kumar side, in relation to abovesaid property, has stated that they had got registered FR no.326 dated 10.8.2017 u/s 420.506.34 IPC P.S. Noorpur against Suresh Mahajan etc



regarding dealings of Committee. On which Suresh Mahajan etc. had moved application no.2135 dated 26.10.2017 in the office of SSP Pathankot and during investigation by DSP Ranjit Singh, both the parties had compromised the matter. It was written that FIR no. 326 dated 10.8.2017 u/s 420.506.34 IPC P.S. Noorpur, District Kangra, Himachal Pradesh and application of Suresh Mahajan and his wife Shweta Gupta regarding selling their land fraudulently by Manoj Kumar and his wife Renu Bala, stands compromised on 20.3.2018. Copy of Compromise is appended (Mark-C). Apart from this Suresh Mahajan had got registered against us FIR No. 794 dated 17.11.2019 u/s 381 IPC in PS Shamipur Badili, Delhi, as per which Sulakhan Singh had obtained land papers of Suresh Mahajan by way of theft and had given the same to Manoj Kumar and Raman and on the basis of which papers, Manoj Kumar and his wife Renu Sharma, in connivance with Raman Kumar, got the property fraudulently in their own name. In this regard Manoj Kumar had produced copy of compromise entered in above application no.2135 dated 26.10.2017 before Id. Court at Delhi and Manoj Kumar etc were discharged in above said FIR. Order of Court is attached (Mark-D). Manoj Kumar was asked about ownership of above said land and regarding further selling of said land and he has relied upon compromise entered in above application no.2135 dated 26.10.2017. Report-After perusing the statements recorded during investigation and after perusing of record and after my secret and open Investigation, it has come out that- 1. Petitioner Suresh Mahajan aged about 52 years s/o Satpal Mahajan r/o Block A-2. House no. 15. First floor, Sector 17. Rohini. New Delhi was owner of 1 Kanal 12.37 Maria fatal 6674 square foot land bearing Khasra no. 2248 15- 11) 16/111 share le. 0-16 Maria and Khasra no. 2162/1 (6-1) 737/32100 share i.e. 7.37 Maria land and Khasra no. 2245 Min East West (0-8), total land 27 Kanal 6 Maria 3/182 share le. 0-9 Marla land and his wife Shweta Mahajan is owner of land measuring 1 Kanal 6 Marla, bearing Khewat no. 101. Khatoni no. 1348 Khasra no. 2247/1 (5-11). 3201/2522/2568 (56-8) total 61 Kanal 19 Marla land 26/1239 share i.e. total 1 Kanal 6 Marla land situated at Mamoon Pathankot. As per revenue record, Suresh Mahajan and Shweta Mahajan were owner of above said



land. 2. Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o village Jaash, Post Office Bansa Bajira. Tehsil Noorpur, District Kangra, Himachal Pradesh PS. Noorpur in connivance with his friend Raman Kumar s/o Vishwa Nath, Caste Brahmin, r/o Shivaji Nagar, Gall no.2, Dhangu Road, Pathankot. PS Division no.2 Pathankot made Raman Kumar to stand in place of Suresh Mahajan and got registered a sale deed on 4.2.2016 for land measuring 1 Kanal 12.37 Maria total 6674 square foot land bearing Khasra no. 2248 (5-11) 16/111 share i.e. 0-16 Marla and Khasra no. 2162/1 (6-1) 737/32100 share i.e. 7.37 Marla land and Khasra no. 2245 Min East West (0-8), total land 27 Kanal 6 Maria 3/182 share i.e. 0-9 Maria land, vide stamping certificate no.-I.N.-P.B 01680878879379, for total sale consideration of R 19,50,000/-. 3. Above said registry was got scribed by Manoj Kumar from his known deed writer i.e. Joginder Thakur s/o Jaswant Singh resident of Ward No.2, Abrol Nagar, Pathankot PS Division no.1 Pathankot, in Deed Writer Chamber no. 27, Tehsil Complex, Pathankot. Manoj Kumar got witnessed the registry from Vijay Kumar s/o Kishan Chand r/o vilage Ghoawadi Mangani, Jugial Road, Pathankot, PS Shahpur Kandi and Amarjit Singh Nambardar s/o Girahari Lal r/o Ward no.8. Vishnu Nagar, Laminee, near Maharaja Palace Pathankot, PS Division no.1 Pathankot with their free will and in connivance and these witnesses were known to Manoj Kumar and Joginder Thakur Deed writer. 4. Above Manoj Kumar got land 1 kanal 12.37 Marla of Suresh Mahajan registered in his name. This land was further sold to Mohan Chanchlani s/o Arjan Dev Chanchalani s/o Seth Sidhu Mal Chanchalani r/o Bajri Company, College Road, near Oberoi Nursing Home, Pathankot, PS Division no.2 Pathankot, on 3.9.2019 for Rs.25 Lacs vide stamping certificate no. IN-PB07576868318159-R dated 1.07.2019. registration fee receipt no. PB1203211907617 dated 3.07.2019 and payment of Rs. 25,00,000 was made by Mohan Chanchlani through bank account no. 027101540141 of ICICI Bank, Branch Patel Chowk Pathankot and through bank account no. 07282011000313 of Oriental bank/Punjab National Bank, Branch Dhangu Road, Pathankot in the bank account of Manoj Kumar through RTGS on different dates. 5. Shweta Mahajan wife of Suresh Mahajan had in her name



land measuring 1 Kanal 6 Marla, bearing Khewat no.101. Khatoni no. 1348 Khasra no. 2247/1 (5-11), 3201/2522/2568 (56-8) total 61 Kanal 19 Maria land 26/1239 share i.e. total 1 Kanal 6 Maria land situated at Mamoon Cantt. Pathankot. Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram r/o village Jaash, Post Office Bansa Bajira, Tehsil Noorpur, District Kangra, Himachal Pradesh PS. Noorpur made his wife Renu Sharma to stand in place of Shweta Mahajan and sold this land to Neetu Bala d/o Ashok Kumar r/o House no. 3140, Bazar Hakima Amritsar on 4.02.2016 for total sale consideration of Rs.15 lacs. vide stamping certificate no. LN.PB. 01680838913500. Manoj Kumar got witnessed the sale deed from Vijay Kumar s/o Kishan Chand r/o village Ghoawadi Mangani, Jugial Road, Pathankot, PS Shahpur Kandi and Amarjit Singh Nambardar s/o Girdhari Lal r/o Ward no.8, Vishnu Nagar, near Maharaja Palace Pathankot, PS Division no, I Pathankot at the time of registry and he had got the registry scribed from Deed Writer Joginder Thakur. It has already been stated earlier that witnesses have put wrong witness.. 1 Kanal 6 Marla land of Shweta Mahajan was purchased by Neetu Bala w/o Manish Arora P/8 Amritsar and this land was further sold by Neetu Bala to Akshay Mahajan s/o Ashok Mahajan r/o Rampura Mohalla, near Government Primary School, Dalhousie Road, Pathankot, PS Division no.2 Pathankot vide stamping certificate no. IN PB04154072619907-P dated 28.7.2017 and vide receipt no. PB1203371708571 dated 3.8.2017 for Rs. 8 Lacs 26 Thousand, before Sub-Registrar Pathankot and Akshay Mahajan had issued cheque no. 044351 of Rs.5 Lacs drawn on Bank of India Pathankot and cheque no. 044363 of Rs.8 Lacs 26 Thousand drawn on Bank of India Pathankot. 7. Both above sold sale deeds were registered in office of Sub-Tehsildar Pathankot. Manoj Kumar made Raman Kumar to stand in place of Suresh Mahajan as Seller and himself stood as purchaser at the time of registration of sale deed and Manoj Kumar made his wife Renu Sharma stand in place of Shweta Mahajan as Seller and sold land of Shweta Gupta (Mahajan) to Neetu Bala d/o Ashok Kumar resident of Amritsar. At the time of registration of both sale deeds before Sub-Tehsildar, photographs were attached. 8. After registration of both the sale deeds, original photos appended on the registries were exchanged



later on by Manoj Kumar in connivance with Registry Clerk Daniel Mash and Computer Operator Prabodh Kumar, by tampering with the record. 9. Petitioner Suresh Mahajan during Investigation, produced copy of report no.1362/Steno Dated 14.7.2020 of SDM Pathankot in reference to enquiry conducted by him regarding tampering of record and exchange of photographs. Copy of report was perused very minutely. SDM Pathankot in his report has clearly mentioned about misconduct of Registry Clerk Daniel Mash and Computer Operator Prabodh Kumar with regard to tampering of record and exchange of photographs and he has also recommended departmental action against these officials. 10. Tehsildar Pathankot produced Photocopy, PDF/Scan Copy and CD of both sale deeds i.e. sale deed no: 5680 dated 4.2.2016 and sale deed no. 5680 dated 4.2.2016 vide letter no.894 dated 20.9.2021. Petitioner was shown copies of registries, to which he confirmed that registry which is shown to be Suresh Mahajan, in that registry instead of photo of Suresh Mahajan photo of Raman Kumar is present and the registry which is shown to be Shweta Mahajan, in that registry instead of photo of Shweta Mahajan photo of Renu Sharma w/o Manoj Kumar is present. Petitioner Suresh Mahajan had earlier given application no.2135 dated 26.10.2017 in the office of SP Pathankot and investigation of this application was done by DSP Ranjit Singh and during investigation both parties had compromised the matter and said application was consigned to record room. 12. SP Investigation Pathankot had sought legal advice after investigating various applications received from different parties in this matter, on which Additional District Attorney Pathankot on 8.7.2020 had suggested that on the application given by Suresh Mahajan, 417,419,420.465.466,467,468.471.120-8 IPC is liable to registered case U/s against opposite side and further investigation may be done. SSP vide separate letter had written to SP Pathankot to verify some facts after perusing the investigation report and report of Additional District Attorney. SP Pathankot without carrying out further investigation and without going anywhere, recommended vide his report no. 118/R/SP- H dated 20.7.2020, to consign the application in record room. Various applications from different parties in this matter have been



consigned to record room on the basis of this letter. As per abovementioned facts, investigation conducted by me, perusal of statements, perusal of CD and Hard copies of registries produced by Tehsildar Pathankot, perusal of report of SDM Pathankot regarding tampering of record and exchange of photos, it has come out that Suresh Mahajan and Shweta Mahajan were owners of 1 Kanal 12.37 Marla and 1 Kanal 6 Marla land in Mamoon, Pathankot. Above said Manoj Kumar got registered in his name land of Suresh Mahajan by making Raman Kumar stand in place of Suresh Mahajan and Manoj Kumar got registered land in name of Neetu Bala w/o Manish Arora r/o Amritsar, which land was of Shweta Mahajan, by making his own wife Renu Sharma stand in place of Shweta Mahajan, in the office of Sub-Registrar Pathankot. Manoj Kumar through connivance got scribed the registry from his known deed writer Joginder Thakur and got the same witnessed from Amarjit Singh Nambardar and Vijay Kumar who were known to Manoj Kumar and Deed writer Joginder Thakur. As per statements made during investigation, enquiry report of SDM Pathankot and Photocopies/PDF Copy/Scan Copy/CD of the registries produced by Tehsildar Pathankot, Daniel Mash Registry Clerk and Prabodh Kumar Computer Operator who were posted in the office of Sub-Registrar Pathankot helped Manoj Kumar and in connivance tampered with the government record and change/exchanged the photos present at the time of registries and for destroying the original record. As per investigation. case should registered u/s 417,419,420,465,466,467,468,471,120-BIPC against Manoj Kumar s/o Shambhu Dutt s/o Nathu Ram. Renu Sharma W/o Mana) Kumar s/o Shambhu Dutt s/o Nathu Ram r/o Village Jaash, PO Bansa Bajira, Tehsil Noorpur, District Kangra, Himachal Pradesh. PS Noorpur. Raman Kumar s/o Vishwa Nath Caste Brahman r/o Shivaji Nagar, Gali No.2. Dhangu Road. Pathankot PS Division no.2 Pathankot, Vijay Kumar s/o Kishan Chand r/o Village Ghoawadhi Mangani, Jugial Road Pathankot PS Shahpur Kandi Pathankot, Amarjit Singh Nambardar s/o Girdhari Lal r/o Ward no.8, Vishnu Nagar Umini, near Maharaja Palace Pathankot PS Division no.1 Pathankot, Joginder Thakur s/o Jaswant Singh r/o Ward No.2 Abrol Nagar Pathankot PS Division no.1 Pathankot presently Deedi Writer Chamber no.27 Tehsil



Complex Pathankot, Prabodh Kumar Computer Operator, Registration Branch, Tehsil Office Pathankot, Daniel Masih Junior Assitant, Branch District Nazar Office, Deputy Commissioner, Pathankot and further investigation should be done. ”

Contentions**On behalf of the petitioner**

3. The Ld. counsel for the petitioner submits that co-accused Manoj Kumar has already been granted bail vide order dated 09.01.2023 passed in CRM-M-58362 of 2022. He submits that another co-accused Renu Sharma has also been granted the concession of bail by a coordinate Bench of this Court vide order dated 18.01.2023 passed in CRM-M-1927 of 2023. Thereafter, two co-accused namely Parbodh and Joginder Singh @ Joginder Thakur have also been enlarged on bail vide orders dated 09.09.2024 passed in CRM-M-42985 of 2024 and 20.09.2024 passed in CRM-M-46110-2024 respectively.

On behalf of the State

4. The learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and submits that challan in this case was presented on 29.06.2024. He has filed the custody certificate of the petitioner, which is taken on record. According to the same, the petitioner is behind bars for almost 06 months 14 days.

Analysis

5. Be that as it may, considering the custody period i.e. 06 months and 14 days for which the petitioner has suffered incarceration and taking note of the fact that co-accused have already been granted the concession of bail, which is suffice for this Court to infer that the conclusion of trial will take long time for which the petitioner cannot be detained behind the bars for an indefinite period. Reliance can be placed upon the judgment of the Apex Court rendered in “**Dataram versus State of Uttar Pradesh and another**”, 2018(2) R.C.R.



(Criminal) 131, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception.

Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge



sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.

5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in **In ReInhuman Conditions in 1382 Prisons, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658**

6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in **Nikesh Tara chand Shah v. Union of India, 2017 (13) SCALE 609** going back to the days of the Magna Carta. In that decision, reference was made to



Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 in which it is observed that it was held way back in *Nagendra v. King-Emperor, AIR 1924 Calcutta 476* that bail is not to be withheld as a punishment. Reference was also made to ***Emperor v. Hutchinson, AIR 1931 Allahabad 356*** wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.

7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”

6. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure as enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna**”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that the pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

7. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs.**



State of Punjab” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

Decision:

8. In view of the aforesaid discussions made hereinabove, the petitioner is hereby directed to be released on regular bail under 483 of BNSS, 2023 on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

21.10.2024
manoj

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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |