



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

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CRM-M-52880-2024

Date of Decision : **October 29, 2024**

HARWINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.S.Multani, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 483 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.92 dated 26.4.2024, Under Sections 419, 420, 467, 468, 471, 120-B, 447, 511 IPC, registered at Police Station Sadar, Ludhiana.

2. Learned counsel for the petitioner in the asking for the relief (supra) submits that earlier anticipatory bail application of the petitioner was dismissed by this Court vide order dated 5.8.2024 passed in CRM-M-27656-2024. He further submits that after 3 days of the dismissal of the anticipatory bail application, the petitioner surrendered before the IO concerned and from that day, he is behind the bars. He also submits that the petitioner is a man of clean antecedents and all the offences under which the petitioner is facing trial, are triable by the Court of learned Judicial Magistrate 1st Class



concerned. He further submits that there is no recovery required to be effected from the present petitioner as of now as the investigating *qua* him has already been completed.

3. The instant FIR has been registered on a complaint made by Dr. Sumeet Sofat. The relevant extract of the complaint as mentioned in the reply is extracted as under:-

“(i) That a written complaint was submitted by an individual namely Dr. Sumit Sofat (hereinafter referred to as "the complainant") and the same was assigned PGD No. 274418 dated 11/12/2023. In the complaint, the complainant i.e. Managing Director of "Sofat Diagnostics & Cancer Detection Centre (P) Ltd" with its Head Office at Hira Singh Road, Ludhiana, alleged that he is the exclusive owner and in uninterrupted possession of a property measuring 3000 sq. yards situated in Village Sunet, located on Main Lodhi Road, Ludhiana. The registry and the inteqal (mutation) of the said property are reflected in the name of the complainant's company.

(ii). That it was alleged that an individual named Baldev Singh changed the ownership (tabdeel malkiat) of a disputed plot and adjacent roads in Village Sunet to his son named Sandeep Singh, who then transferred the ownership back to Baldev Singh. Subsequently, Baldev Singh transferred the ownership of the said plot to his other son namely Arjinder Singh, who then transferred it to his wife, Ramandeep Kaur. So finally, Ramandeep Kaur became the owner of the Property on the name of one Baldev Singh.

(iii) That the complainant further alleged that through a Sale deed bearing Vasika No. 8394 dated 18.11.2022, Ramandeep Kaur (impersonated by Ikwinder Kaur) sold this plot, measuring 3000 sq. yards, to four individuals named (1) Gurmail Singh, (2) Nirmal Singh, (3) Harwinder Singh (the present petitioner), and (4) Varun Jain. It was stated that the afore-mentioned plot is located in Mushtil No.79 of Village Sunet which fall in the roads. Additionally, the plot in Mushtil No. 79 is under civil litigation in the Civil Suit No. CS-4792-2017 titled as Gurmandeep Kaur versus Baldev Singh and Others and the Ld. Civil Judge Junior Division (CJJD), Ludhiana, vide order dated 18.01.2023, has stayed the further alienation of the property



during the pendency of the present Civil Suit. It is pertinent to mention here that Ramandeep Kaur is also party in that suit as a defendant.

(v) That after obtaining this Order, the accused persons allegedly alienated the disputed property to four different persons which is like as: (1) Accused Harwinder Singh sold land measuring 193 Sq.yds to one Sanjeev Kumar Gupta vide registered sale deed bearing No.11032 dated 18.01.2023 (on the day he obtained stay order from the Ld. Civil Court), (2) Accused Gurmail Singh Dhaliwal sold land measuring 193 Sq.yds to the same Sanjeev Kumar Gupta vide registered sale deed bearing No.12546 dated 14.02.2023, (3) Accused Nirmal Singh sold land measuring 193 Sq.yds to M/s Miluk Infratech, New Delhi (owned by same Sanjeev Gupta) vide registered sale deed bearing No.12545 dated 14.02.2023, and (4) Accused Nirmal Singh and Gurmail Singh Dhaliwal jointly sold land measuring 193 Sq.yds to the abovesaid Varun Jain vide registered sale deed bearing No.13690 dated 07.03.2023. In this manner, total land measuring 772 Sq.Yds. has been sold by the accused persons after obtaining stay order from the Hon'ble Court. (vii) That it is further alleged that the Tateema of the Sale Deed was carried out on 11.09.2023, by the accused Harwinder Singh, at a later stage, only with an intent to save himself from the offence committed by him earlier, in the form of fraudulent sale transactions.”

4. The allegations against the present petitioner are that he produced his acquittance Ikwinder Kaur as Ramandeep Kaur (his wife and executed the instant sale-deed. Even the dimension of the property as mentioned in the initial sale-deed which was executed on 18.11.2022 are different and thereupon supplementary sale-deed was executed, that too, on the same stamp paper, whereby, the dimension of the property has been changed.

5. Though this Court has dismissed the anticipatory bail application while recording a detailed order mainly on the ground that Arjinder Singh by hatching a criminal conspiracy with the present petitioner got executed sale-deed by impersonating Ikwinder Kaur, as his wife Ramandeep Kaur, however,



considering the fact that the petitioner has now been arrested and the parameters for granting regular bail and anticipatory bail are entirely different. Further-more, the Hon'ble Supreme Court vide order dated 21.10.2024 has granted the interim anticipatory bail to Arjinder Singh, whose anticipatory bail has been dismissed by this Court vide order dated 5.8.2024.

6. The learned State counsel has vociferously opposed the grant of regular bail to the petitioner and has filed the custody certificate *qua* the petitioner, which reflects that the petitioner is a man of clean antecedents and he has suffered about 2 months and 17 days.

7. Since the offences under which the petitioner is facing trial, are triable by the Court of learned Judicial Magistrate 1st Class concerned and the conclusion of the trial would take long time, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

October 29, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No