



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

143

CRM-M-54283-2024
DATE OF DECISION: 29.10.2024

KULWINDER SINGH AND ANR ...PETITIONERS

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of BNSS, 2023 (corresponding section 438 of Cr.P.C) seeking Pre- arrest Bail for the petitioners apprehending arrest in F.I.R. No. 140 dated 30.04.2024, Under sections 406, 419, 420, 467, 468, 471, 120-B of IPC, 1860 registered at Police Station Sohana, SAS Nagar, Punjab (P-1).

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

‘Copy of application no 6867/peshi SSP dated 08.12.2023 as follows: to SSP Sahib, SAS Nagar complaint against Harjinder Singh, Dealer (9872595178) and Bhagwan Singh (9779134574) (name as told by dealer), for committing cheating of 1 crore 37 lakhs by stating owner of land. Sir, it is requested that I Didar Singh S/o Prem Singh is R/o Village Baliali Tehsil and District SAS Nagar Mohali. that I expressed my interest in purchasing land with Harjinder Singh dealer R/o village Ballomajra Tehsil and district SAS Nagar Mohali and said



Harjinder Singh recommended us to purchase 18 Marla land situated at Mundi Kharar, Tehsil Kharar and the seller with whom we struck the deal told his name as Bhagwan Singh and showed us his Aadhar card and Pan card, the agreement to sell of the said land was executed with Paramjit kaur Wife of Didar Singh R/o Village Baliali Tehsil and District SAS Nagar Mohali. The agreement was executed on 28.08.2023 and Rs 60 lakhs were paid out of which 30 lakhs in cash and 30 lakhs by way of Cheque no 625959. Thereafter on 04.10.2023 Rs 10 Lakhs were paid as earnest money and thereafter Rs 7 lakhs were paid on 08.09.2023 to seller. Thereafter Rs 9 Lakhs were paid on 10.10.2023 by cheques no 716513 and Rs 6 Lakhs by cash, thereafter Rs 9 lakhs by Cheque no 670570 dated 12.10.2023 and Rs 9 lakhs 149707 on 12.10.2023, thereafter Rs 9 lakhs by cheques no 716517 on 13.10.2023, Rs 6 lakhs by cheques no 716518 dated 13.10.2023, Rs 7 Lakhs through cheques no 716519 on 14.10.2023 were paid to seller. The seller returned the cheques of Rs 30 Lakhs bearing no 625959 and took 3 cheque of Rs 9 lakhs each on 19.09.2023 saying that he is finding it difficult to present cheque of Rs 30 lakhs. Thereafter he was paid 3 lakhs in cash on 19.09.2023 accordingly the total amount come to Rs 1 crore 32 lakhs by Bhagwan Singh while forging his name and the sale deed was to be executed on 20.11.2023, however the impersonator of Bhagwan Singh did not come to execute the sale deed. Thereafter we kept on calling him for purpose of getting the sale deed registered but he kept on lingering the matter on pretext or the other, we requested him to hand over the possession but he kept on lingering that as well, then we found something fishy and then one day impersonator of Bhagwan Singh called us from mobile no 9779134574 and told us that we have been defrauded, we got it verified and came to know that Bhagwan Singh seller is an impersonator whereas real Bhagwan Singh is somebody else. I am requesting you good self to enquire the matter and my



payments be got recovered. I would be highly thankful, your trust worthy Sd/ Didar Singh.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioners have been falsely implicated in this case and they were not even named in the present FIR. He submits that they were nominated as additional accused on the basis of disclosure statement of co-accused-Bhagwan Singh (actual name Ravinder Pal Singh) against whom the petitioners had already filed a police complaint. He further submits that the dispute involves in the present case is about some agreement to sell and the petitioners are not signatory to that alleged agreement to sell dated 28.08.2023.

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 ground that the petitioners have defrauded the complainant to the tune of Rs. 1.25 crores in the name of selling of land.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, especially to the effect that the dispute is related to some agreement to sell, this Court finds no reason to deny the petitioners the concession of anticipatory bail, wherein the petitioners have bona fide intentions and are 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 petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of one week 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

29.10.2024
anuradha

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