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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M- 57215-2024
Date of Decision: 09.12.2024

SWARN SINGH GREWAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vinod Ghai, Sr. Advocate with
Mr. Jasdev Singh Mehndiratta, Mr. Edward George Masih and
Mr. Arnav Ghai Advocates for the petitioner

Mr. Ankit Grewal, DAG, Punjab.

Mr. Sunil Chadha, Sr. Advocate with
Mr. Akshay Chadha, Advocate for the complainant.

SANJIV BERRY, J. (Oral)

The instant petition has been preferred by the petitioner under Section 482 of the Bhartiya Nagarik Suraksha Sanhita (BNSS) 2023, praying for grant of anticipatory bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
195	26.10.2024	406, 420, 465, 467, 468, 471, 120-B IPC	Division No.5, Police District- Police Commissionerate Ludhiana, District Ludhiana

2. During course of hearing on 25.11.2024, the following order was passed, relevant portion is reproduced here as under:-

XX XX XX

“2. It is inter alia contended by learned Senior Counsel for the petitioner that the petitioner is innocent and has been



falsely implicated in this case without there being any role on his part in the alleged transactions. He contends that the petitioner in fact happens to be a bona fide purchaser of the property vide a valid registered sale deed dated 05.06.2024. He contends that by way of instant FIR the complainant implicated many persons including the present petitioner without there being any document on record to substantiate his allegations. He contends that as per allegations in the FIR, the entire transactions revolve around some oral agreement dated November, 2022 wherein neither petitioner is party nor beneficiary thereof, nor he received any amount from such transactions. He contends that petitioner is not the owner of the land in question but has purchased the same from its lawful owner Jasbir Kaur through her Power of Attorney holder Parminder Singh for consideration on the basis of sale deed dated 05.06.2024. The petitioner has no role to play in the alleged transactions and by way of the instant FIR the police has given the colour of criminality to the alleged dispute which at the most can be termed as civil in nature. He contends that petitioner has one more criminal case under Sections 323, 324 and 506, 148, 149 IPC wherein he is on bail and as such, he prays for grant of concession of anticipatory bail.

3. *Notice of motion.*

4. *Ms. Seena Sandhu, AAG, Punjab who is present in Court, accepts notice on behalf of State and seeks time to file reply.*

5. *Mr. Sunil Chadha, Sr. Advocate assisted by Mr. Akshay Chadha, Advocate has put in appearance on behalf of complainant to assist the State counsel and has opposed the arguments advanced by learned counsel for the petitioner by submitting that the petitioner has actively participated in the transactions in defrauding and cheating the complainant and as such he is not entitled for concession of bail.*

6. *Considering the respective submissions, it is deemed appropriate that petitioner to join the investigation before*



deciding the petition on merits. As a consequence, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. He shall also abide by the conditions as envisaged under Section 482(2) BNSS.

7. *Adjourned to 09.12.2024.*

8. *Reply, if any, be filed on or before the next date of hearing”.*

3. Learned State counsel has placed on record reply by way of an affidavit dated 08.12.2024 of Assistant Commissioner of Police, Civil Lines, Ludhiana, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

4. Arguments advanced by the learned Senior counsel for the petitioner, learned counsel for the State assisted by learned Senior counsel representing the complainant have been heard and record perused with their assistance.

5. It is *inter alia* contended by learned Senior counsel for the petitioner that the petitioner has no concern with the alleged transaction and has been falsely implicated in this case, who happens to be a *bona fide* purchaser for a valuable consideration vide registered sale deed dated 05.06.2024. He contends that the petitioner has been implicated as an accused in the present FIR along with other co-accused on flimsy grounds without there being anything substantive on record to substantiate the allegations. The entire alleged transaction revolve around the alleged oral agreement pertaining to the period November, 2022, wherein neither the



petitioner is a party nor beneficiary thereof, nor has he received any amount from the alleged transactions. The petitioner had purchased the property from its lawful owner Jasbir Kaur through her General Power of Attorney holder Parminder Singh vide registered sale deed dated 05.06.2024. The petitioner had not committed any offence but has been roped in the instant FIR whereby the complainant in connivance with the police had given colour of criminality to the alleged dispute which at the most can be a civil dispute. He contends that the petitioner has also joined the investigation in compliance of the order dated 25.11.2024 passed by this Court, as such prays for grant of anticipatory bail.

6. Per contra, learned State counsel assisted by learned Senior counsel representing the complainant have assailed these arguments and prayed for dismissal of the petition. Admittedly the petitioner has joined the investigation but according to them referring to the reply submitted by the State, the petitioner has failed to disclose any fact regarding the *modus operandi* and commission in preparing forged and fabricated jamabandi. It is contended that the petitioner had handed over the hand written jamabandi to the complainant showing Jasbir Kaur to be the owner of the property as per Mutation No. 6441 which *per se* is fabricated and forged one and the custodial interrogation of the petitioner is required to unearth the *modus operandi*. They contended that in fact as per the said hand written jamabandi, photo copies of which are on record with the police, no such patwari ever existed who had given these copies of the same on 21.11.2022 and 14.03.2023. It is submitted that by giving the copies of fabricated documents the petitioner has made serious offence and is not entitled to concession of bail.



7. After considering the respective arguments and perusing the record, it is observed that there is no dispute as regards the petitioner being a purchaser of the property vide registered sale deed dated 05.06.2024 executed by Jasbir Kaur through her General Power of Attorney holder Parminder Singh. It is alleged as per FIR that the petitioner along with co-accused had assured to get the property of Jasbir Kaur sold to the complainant but instead the petitioner has got it sold to himself vide sale deed dated 05.06.2024 and has defrauded the complainant. Admittedly, there is no document in the form of the alleged agreement of November, 2022 from where it could be ascertained as to whether the petitioner had ever assured the complainant to transfer this land, purchased by him through sale deed dated 05.06.2024 from Jasbir Kaur. It is also not disputed that the petitioner is not the beneficiary of any such transaction with the complainant. Another allegation put forth by the complainant is that the photo copies of hand written jamabandi for the year 2017-2018 of Village Issewal pertaining to the land of one Jasbir kaur, are fabricated documents given by the petitioner and other co-accused on 21.11.2022 and 14.03.2023. This argument do not seem plausible, keeping in view the fact that the complainant happens to be a Realtor and Developer knowing fully well that the entire revenue record is computerized by the State and it is not plausible to believe that he relied upon the alleged photo copied hand written revenue record without verifying the same because for all intent and purposes in such like transactions the principle of "buyer beware" has to be taken note of. Admittedly, the alleged documents do not bear the signature of the petitioner on it, so as to bind the petitioner in any manner. Admittedly, in compliance of the orders dated 25.11.2024 passed by this Court, the petitioner has joined the investigation.

8. Considering the above facts and circumstances and also taking note of the fact that the petitioner had already joined investigation in compliance of the orders dated 25.11.2024 passed by this Court and also considering no merit in the plea taken by learned State counsel as well as learned counsel for the complainant seeking custodial interrogation of the petitioner, without commenting on the merits of the case, interim bail granted to petitioner is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further, he will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required; not to leave the country without prior permission of the Court.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending CM applications, if any shall also disposed of.

(SANJIV BERRY)
JUDGE

09.12.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No