

PARMINDER SINGH

... 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.

Dr. Anmol Rattan Singh Sidhu Sr. Advocate
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 Lud- hiana, 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 and is having no



concern with the alleged transactions. He contends that the entire allegations levelled by the complainant revolve around some oral agreement allegedly pertaining to the period November 2022 wherein the petitioner was not a party. He contends that as per the FIR, the allegations against the petitioner are that he being the General Power of Attorney holder of one Jasbir Kaur sold one piece of land to one Swarn Singh. He contends that by doing so the petitioner has not committed any crime as the sale deed was executed for valuable consideration. He further contends that the factum of the petitioner being the General Power of Attorney holder of said Jasbir Kaur is well within the knowledge of complainant party as is evident from Jamabandi (Annexure P-2), wherein there is mention of power of attorney given by the Jasbir Kaur in favour of petitioner on 07.04.2022. He submits that there is also reference of mutation No. 4341 qua the sale of land by Jasbir Kaur in favour of Amit Bhalla who further sold the land vide mutation No. 4402 in favour of Poonam Thukral. He contends that Poonam Thukral is mother in law of the complainant who further sold the same to M/s K.B. Developers owned by the complainant vide mutation No. 4473. He contends that sale of land vide mutation No. 4341 by Jasbir Kaur was through the present petitioner and which ultimately was sold to the Company of the complainant. The petitioner has acted as power of attorney holder on behalf of Jasbir Kaur and is not beneficiary of such transactions. He submits that 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 submits that petitioner is not having any criminal antecedents and is ready to join the investigation. Hence he prays for grant of concession of anticipatory bail to the petitioner.

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, and Raghav Chadha, Advocates 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 consequent, 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 opposites.

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 is innocent and has no concern with the alleged transactions. 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 nothing 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. The petitioner happens to be duly appointed power of attorney holder of one Jasbir Kaur and this fact had always been in the notice of the complainant and in this regard he has referred to note given in the Jamabandi (Annexure P-2) for they year 2018-2019 of village Issewal pertaining to 07.04.2022 regarding the intimation of the petitioner being power of attorney holder on behalf of Jasbir Kaur, on the basis whereof mutation No. 4341 regarding sale of property by said Jasbir Kaur in favour of Amit Bhalla and further vide mutation No. 4402 by Amit Bhalla in favour of Mrs. Poonam Thukral had been there. He submits that Mrs. Poonam Thukral is mother-in-law of the complainant who had further sold the land vide mutation No. 4473 in favour of M/s K.B. Developers belonging to the complainant. He contends that the petitioner being the power of attorney holder of said Jasbir Kaur was well within the knowledge of the complainant and he had executed the sale deed dated 05.06.2024 in favour of co-accused Swarn Singh Grewal on he basis of validly executed power of attorney. The petitioner has no concern with the alleged transactions mentioned by the complainant pertaining to November 2022 which itself being oral, and the petitioner being not the party thereof, nor is he beneficiary out of the same. 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. They contend that the petitioner in connivance with the co-accused had got the land owned by Jasbir Kaur transferred in the name of Swarn Singh Grewal vide sale deed dated 05.06.2024 regarding which the complainant had entered into an agreement in November 2022 with the other co-accused. They contend that this has been done by the petitioner with an intent to commit fraud with the complainant. They further contend that the petitioner along with co-accused had fabricated and forged the hand written jamabandi, copy of which was given to the complainant showing Jasbir Kaur to be the owner of the property. It is submitted that the copy of said jamabandi was found to be forged and fabricated, that no revenue officer as mentioned thereon, to have remain posted in that circle at any time, as such they prayed that petitioner is not entitled to concession of anticipatory bail.

7. After considering the respective arguments and perusing the record, it is observed that version of the complainant as has been raised in the instant FIR revolves around the oral agreement purportedly executed



between the complainant and the co-accused for sale of land. It is also alleged therein that during course of such transactions the petitioner along with other co-accused had handed over the photo copy of hand written jamabandi showing Jasbir Kaur to be the owner of property which *per se* was found to be forged and fabricated. It is further alleged against the petitioner while acting as power of attorney holder of Jasbir Kaur he has executed sale of land vide sale deed dated 05.06.2024 in favour of co-accused Swarn Singh Grewal.

8. As stated above while passing the order dated 25.11.2024 the contentions of the counsel for the petitioner had been duly recorded which by itself coupled with the revenue record produced on the file would reveal that the factum of the petitioner being power of attorney holder on behalf of the Jasbir Kaur was well known to the complainant. It is also evident that the complainant had already purchased some part of the land in question from Jasbir Kaur through Amit Bhalla and his mother-in-law Mrs. Poonam Thukral vide mutation referred to above. Furthermore, the case of the complainant revolves around an agreement which being oral, the terms and conditions thereof cannot be ascertained. Further the petitioner admittedly was not the party to the transactions nor he is beneficiary thereof.

9. 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.

10. Admittedly, the factum of petitioner having joined the investigation is not disputed by learned State counsel. However the ground taken by the State in the reply opposing the bail and requiring his custodial interrogation have been considered and found to be not plausible or justifiable at all.

11. The petitioner having already joined the investigation in compliance of the order dated 25.11.2024 passed by this Court and no case is made out for custodial interrogation, therefore, considering all the above facts and circumstances, 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.

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

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

(SANJIV BERRY)
JUDGE

09.12.2024

Gyan

- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No