



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-62041-2024
DATE OF DECISION: 11.12.2024

SURJIT SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.K. Garg, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed 482 B.N.S.S., 2023 (Bharatiya
Nagarik Suraksha Sanhita, 2023) for grant of anticipatory bail to the
petitioner in FIR No. 0068 dated 07.11.2024, under Sections 420, 120-
B of IPC, registered at P.S. Morinda, District Rupnagar.

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

*‘Copy of Complaint: DGP, Punjab Subject: Complaint for
taking legal action against 1. Surjit Singh son Lachhman Singh
son of Mastu 2. Karnail Kaur wife of Lachhman Singh son of
Mastu 3. Hardial Singh son of Inder Singh residents of Village
Kakrali, Tehsil Morinda, District Rupnagar. Sir, I request that 1.
I Gurbant Singh son of Surjan Singh resident of H. No. 164 A,
Near Janta Model School, Dashmesh Nagar, Naya Gaon, Tehsil
and District SAS Nagar (Mohali) Punjab presently residing at
House no. 783, Sector-91, SAS Nagar (Mohali). 2. That the
applicant had purchased a piece of land situated at village
Kakraali, Tehsil Morinda, District Rupnagar, Hadbast No. 231,*



from Surjit Singh, son of Lachman Singh, son of Masku, resident of village Kakrali, Tehsil Morinda, District Rupnagar, vide a registered sale deed dated 26.07.2017. 3. That the applicant had purchased the above said land by making a payment of Rs. 22,00,000/- after making inquiry from above-said Surjit Singh and his mother Karnail Kaur wife of Lachhman Singh and Rs. 22,00,000/- were given to Surjit Singh by way of Cheque in the presence of his mother and the possession of the land was given to the applicant on the same day, i.e., 26.07.2017 after receiving the sale consideration and mutation was also sanctioned in favour of the complainant in view of the registered sale deed dated 26.07.2017. That thereafter, the applicant got affixed barbed wires around the boundaries of the land and had also laid underground pipes to make the land suitable for cultivation. That the applicant had been using the land for agricultural purposes since then. That the applicant had purchased the land after making thorough inquiries and verifying the documents in the village. That the applicant had purchased the land from Surjit Singh after verifying the documents and making inquiries, and Rajesh Kumar had written the sale deed which was read over to Surjit Singh, who had signed it in the presence of witnesses Jaswinder Kaur Sarpanch of village Kakrali and Amarjit Singh son of Dial Singh resident of village Kakrali and thereafter the witnesses had attested the sale deed and Surjit Singh had signed it voluntarily. 4. That the accused in connivance with each other filed a Civil Suit in the Civil Court for getting the sale deed dated 04.01.2016 set aside vide which Karnail Kaur transferred land in favour of Surjit Singh and the applicant was not impleaded as party in that suit and in the absence of the applicant, the accused in connivance with each other got the suit decreed and also got the mutation sanctioned. 5. That the accused neither challenged the sale deed dated 26.07.2017 in any court nor filed any suit and the accused even did not get the mutation sanctioned on the basis of the same, set



aside. 6. That the accused in connivance with each other and without informing the applicant and without impleading the applicant as party have got the civil suit decreed in their favour and in this way the accused in connivance with each other have committed 420 with the applicant and have forged the documents. 7. That the applicant is still tilling the land at the spot and the accused have got the mutation sanctioned by giving false address and in this way the accused have committed fraud and cheating with the applicant and have received Rs. 22,00,000/- in cash from the applicant in a wrong manner. It is worth mentioning here that at the time of execution and registration of sale deed did not summon the applicant in any case by Surjit Singh, his mother Karnail Kaur and Hardial Singh son of Inder Singh by doing all this the accused in connivance with each other have committed fraud and cheating with the applicant. It is worth mentioning here that the accused in connivance with each other want to sell the land of the applicant and they have tried to get the sale deed executed and on raising objection by me, the sale deed was not registered. So it is requested that an appropriate action be taken against the accused for committing fraud and cheating with the applicant and causing loss to the applicant by forging documents and gaining for themselves and justice be done to the applicant. I will be thankful to you. Thanks. Yours faithfully. Sd/- Gurbant Singh son of Surjan Singh resident of H. No. 164 A, Near Janta Model School, Dashmesh Nagar, Naya Gaon, Tehsil and District SAS Nagar (Mohali) Punjab presently residing at House no. 783, Sector-91, SAS Nagar (Mohali), 9814615880. Dated 12.08.2024."

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has submitted that the present case is based upon the documentary evidence and the matter is



civil in nature and has only been given a criminal colour for the purpose of arm-twisting the petitioner. He further submits that the complainant has already filed a civil suit for declaration.

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 stating that allegations against the petitioner are serious in nature and the custodial interrogation of the petitioner is required, therefore, prays for dismissal of the instant petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for the petitioners that the dispute involved in the present FIR is of civil nature which has been given a criminal colour by the complainant, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is 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 petitioner is hereby directed to be released on anticipatory bail subject to him 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

11.12.2024
anuradha

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

