



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

136

CRM-M-63223-2024
DATE OF DECISION: 16.12.2024

SATNAM SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms.Supriya Arora, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 438 of the
Bhartiya Nagrik Suraksha Sanhita,2023 (BNSS) for grant of
Anticipatory Bail to the petitioner in FIR No. 60 dated 28.05.2024 U/s
406,420,465,467,468,471,120-B of Indian Penal Code, 1860 registered
at Police Station NRI, Police Commissionerate Ludhiana (Annexure P-
1).

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

*‘At this time it is entered that Complaint No.2405744
Dated 28.03.2024 from Rajinder Singh Gill son of Amarjit Singh
Gill Resident of House No.B-21/1297 Link Road Dhadhewal
Tehsil and District Ludhiana presently resident of Canada
against 1)Satnam Singh son of Ajit Singh Resident of H.
No.2871 Gall No.07 Gill Road New Janta Nagar, District
Ludhiana. 2) Harjinder Singh son of Jaswinder Singh resident of*



H.No.2560 Azad Nagar, New Shimlapuri, Ludhiana, 3) Gurbaksh Kaur wife of Jaswinder Singh resident of House No.1252/59-C Gali No.05 Ishar Nagar Gill Road Basant Avenue, Ludhiana, 4) Tarsem Singh son of Gurmeet Singh, 5) Geeta Verma wife of Sanjay Verma and 6) Santosh Rani wife of Shakti Kumar Residents of Ishwar Nagar, Gill Road Block-C, Begoana Road, District Ludhiana received through post for registration of case in the police station the contents of which are that: To The Hon'ble A.D.G.P. Sahib, Punjab Police (N.R.I. Wing), Mohali, Punjab. Application for taking legal action against (1) Sanju Verna (Phone No.79867-00020), (2) Tarsem Singh (Phone No.95925- 73699, 86996-94913), (3) Geeta Devi (4) Santosh Rani all residents of Ishar Nagar C-Block, Begoana Road, Village Gill, Tehsil and District Ludhiana and their unknown accomplices, who have constructed house by illegally taken possession over the plot purchased by the complainant. Subject: sir, I Rajinder Singh Gill son of Sh. Amarjit Singh Gill son of Sh. Kapoor Singh Gill, resident of H.No.B-21-1297, Link Road Dholewal, Tehsil and District Ludhiana presently resident of 11 BEACON FIELD AVENUE, Brampton, Ontario, Canada (Phone No.0016473883222). 2) In the year 2011 I and Smt. Rupinder Kaur daughter-in-law of my Bhua who is permanent resident of Australia and NRI, purchased one residential plot measuring 400 Sq. yds. in Khasra no.1175-1195, Khewat/Khatauni No.86/89 to 91, Janabandi for the year 2005-06, in Village Gill No.2 Hadbast No.263, Abadi Mohalla Begoana (Ishwar Nagar C-Block), Tehsil and District Ludhiana vide Sale deed Vasika No.13027 Dated 11.03.2011 from his owner Balwant Singh son of Sh. Mukhtiar Singh son of Sh. Gurdial Singh resident of Villagejaspal Bangar, Tehsil and District Ludhiana through Power of Attorney (1) Gurdeep Singh son of Sh. Gurmukh Singh resident of Lohara, Tehsil and District Ludhiana, (2) Bimla Rani daughter of Late Sh. Jagdish resident of 2592, Gali No.3-1/2, Vishkarma Town Tehsil and



District Ludhiana and (3) Surjit Kaur wife of ch. Pritam Singh resident of B-27/295 Mahajan Gali New Kartar Nagar, Tehsil and District Ludhiana, the mutation of which is entered and sanctioned in the column of ownership on our name. 3) That after purchase of above plot we have constructed boundary wall upto the height of 3ft. 4) That on 15 January 2024 I had come to India to attend the marriage and I would have to return to Canada on 16th February. Due to being remained busy in marriage for one month, before coming to Canada on 15th February 2024 I went to see my plot alongwith my close relative Sh. Simarjit Singh Gill son of 3h. Pritam Singh, resident of Village Sidhwan Bet, District Ludhiana, then I remained astonished to see the status because on our above plot houses have been constructed by 4 persons, regarding them we don't have any information and when we went to see our plot on 15 February, only then we came to know about it. Because I have to return Canada on 16th February and due to paucity of time, I asked my close relative Sh. Simarjit Singh Gill (Phone No.98140-64214) to inquire about it. Simarjit Singh Gill inquired the names of illegal encroachers from them, who were present at that time in the houses constructed by them. Then they told their name Sanju Verma phone No. 79867-00020, Tarsem Singh Phone No.95925-73699, 86996-94913, Geeta Devi and Santosh Rani. Simarjit Singh Gill tried to take more information from the illegal encroachers on the above plot and from the other people of the Mohalla but neither any information was given by the illegal encroachers of above plot nor Mohalla residents gave any concrete information. 4 houses have been constructed on above house out of which in three houses people are living whereas the fourth house is yet to be completed. Mohalla residents only disclosed that about one year ago the house has been constructed on the above plot. 4 houses have been constructed on the above house out of which in the three houses people are living whereas the four house still not



completed and no person resides in the same. Because the above illegal encroachers have connection with the Land Mafia, therefore people of the area afraid from them. Simarjit Singh Gill shown the photocopy of the above registry of the above plot to the encroachers and told them that if they have purchased that plot, then show the registry in their favour. Then they flatly refused to show any document and in turn issued threats to Simarjit Singh that now don't come again to this plot otherwise he will be finished or kidnapped and nobody could cause any harm to them because they have connection with Land Mafia and with the anti social elements and they also have approach at higher level in politics. The above persons have also threatened to Simarjit Singh Gill that if the owner of this plot will initiate any action by coming from abroad, then they will get him killed.

5) That we reside abroad due to which by taking undue benefit of our absence the above persons in connivance with Land Mafia and anti social elements, in a conspiracy, has taken illegal possession over our plot and now the above persons are issuing threat to kill us. 6) that I have appointment my close relative Sh. Simarjit Singh Gill Phone No.98140-64214 to pursue this matter, who have complete knowledge of this matter. During the investigation of the matter if necessary arose of any information from me or documents then Sh. Simarjit Singh Gill will given all the information and necessary documents on my behalf. Therefore, through this complaint it is requested that after investigating this matter strict legal action be taken against above said persons by registering FIR under the sections for hatching conspiracy. taking possession of the plot purchased by us by taking the undue benefit of our absence and issuing threat to kill us. The possession of our plot got delivered to us and justice be done to us. Thanking you. Sd/- Rajinder Singh Gill son of Sh. Amarjit Singh Gill son of an. Kapoor Singh Gill, resident of House no.11 Beacon Field Avenue Brampton. Ontario, Canada (0016473683222). In the investigation of the above numbered



complaint was carried out by Head officer Police Station N.R.I. Ludhiana City vide letter no.159-50 Dated 06.04.2024 who wrote in his investigation report that the applicant Rajinder Singh Gill son of Amrjit Singh Gill resident of village Jaspal Bangar District Ludhiana presently resident of H.No.B-21/1297 Link Road Dhadewal Tehsil and District Ludhiana and his relative Rupinder Kaur Arrach wife of Ravinder Singh resident of village Arracha, Tehsil Payal District Ludhiana has purchased one plot measuring 400 5q. Yds. at Village Gill, from Balwant Singh son of Mukhtiar Singh ro Village Jaspal Bangal Tehsil and District Ludhiana Barai Mukhtiar vide Vasika No.2694 dated 2604 dated 20.11.2008 verified by Sub Registrar Ludhiana Bahak Gurdeep Singh son of Gurmukh Singh resident of Village Lohara District Ludhiana, Bimla Rani wife of Jagdish Singh resident of 2592, Gali No.3-1/2 Vishkarma Town Tehsil and District Ludhiana, Surjit Kaur wife of Pritma Singh resident of B-27/296 Mahajan Gali, New Kartar Nagar Tehsil and District Ludhiana vide Vasika No.13027 Dated 11.03.2011 and took possession on the spot. Who have constructed boundary wall of 3-3 ft and have kept bodies of old trucks in the plot. Satnam Singh son of Ajit Singh resident of House No.2871, Gali No.7, Gill Road, New Janta Nagar Ludhiana in collusion of Department of Revenue by preparing forged documents given the FOWAs of Ittorney of that land to Harjinder Singh enn of Jaswinder Singh Resident of House No.2960. Azad Nagar, How Shimlapuri of Khasra No.1174 vide Vasika No.473 Dated 09.06.2023 attested by Sub-Registrar Ludhiana. Further Harjinder Singh by making four portions of that plos got four different Registries on the name of Geeta Verma wife of Sanjay Kumar resident of Gali No.1, Dhaba Lonara Road, Gurpreet Nagar District Ludhiana Khasra No.1174 vide Vasika No.6248 dated (04.2023, Tarsemn Singh son of Gurmeet Singh resident of H.No.351-8 Jali No.13, Basant Nagar Lohara District Ludhiana Khasra No.1174 vide Vasika No.1971 dated 02.11.202), Santosh



wife of Shakti Kumar resident of House No.39 New Model Town District Ludhiana Khasra Nov1174 vide Vasika No.6243 Dated 28.08.2023 and Gurbakah Kaur wife of Jaswinder Singh resident of House No.1252/59-C, Gali No.5 Ishar Magar, Gill Road Basant avenue, District Ludhiana Khasa No.1174 vide vasika No.9176 Dated 02.11.2023. That at this time Sanju Sharma (R-1), Tarsem Singh (B-2), Geeta Devi (R-3) and Santosh Rani (R4) are residing after construction of houses on their respective plots. During investigation of the complaint no role of answering respondent Sanju Sharma (R-1), Tarsem Singh (R-2), Geeta Devi (R-3) and Sanotsh Rani (R-4) has come forth. During investigation of the complaint, record and statement from Halqa Patwari Village Gill-2 was obtained, that after perusing the record it is found that tampering with the Revenue record cannot be denied. From the investigation of the complaint the offence under Section 420 IPC is found to have been committed Satnam Singh (15) son of Ajit Singh and Harjinder Singh (R6) son of Jaswinder Singh at the first instance. Therefore, it is recommended to register case under Section 420 IPC against Satnam Singh (R5) son of Ajit Singh resident of House No.287126 Gall No.07 GLil Road, New Janta Nagar, Ludhiana and Harjinder Singh (R6) son of Jaswinder Singh resident of House No.2960. Azad Nagar New Shimlapuri. Ludhiana. If during the investigation of the case role of some other person and officials of Revenue Department came to light or concrete evidence came on file about the tampering with the revenue record then that will be considered during the investigation of the case. S. Kulwinder Kumar Head officer Executive Police Station NRI Ludhiana Upon which Deputy Superintendent of Police/NRI/Ludhiana vide letter No.1838-5A dated 04.05.2024 and AIG. N.R.I. Wing Ludhiana vide itter No.408-5A dated 06.05.2024 expressed their respective agreement upon which Hon'ble Addl. Diector General of Police, NRI Wing, Punjab sent the above investigation report along with



original record to the Law officer for obtaining legal advice vide Letter No.12801/Nodal desk-4 Dated 08.05.2024, upon which the District Attorney N.R.I. Wing vide letter No.436/D.A/N.R.I. dated 22.05.2024 wrote that the facts came to light during investigation- on the basis of investigation report of A.I.G./NRI Wing and on the basis of the concerned record it came to light that respondent Satnam Singh in collusion with the Revenue Department by preparing forged documents of the plot given the Power of Attorney of the plot to Harjinder Singh Khasra No.1174 vide Vasika No.473 Dated 09.06.2023 Verified by Sub Registrar Ludhiana. Harjinder Singh by dividing that plot into four parts got further different- different registries. Apart from this as per the statement of Halqa Patwari Village Gill 2 and record, the tampering with the revenue record cannot be denied. Legal opinion- In my opinion in view of investigation report of AIG/NRI Wing/ Ludhiana, complainant of the complainant and on the basis of connected record, at the first instance offence under Section 406, 420, 465, 467, 468, 471, 120-8 IFC is made out against respondent party 1) Satnam Singh 2) Harjinder Singh 3) Gurbakah Kaur wife of Jaswinder Singh 4) Tarsem singh son of Gurmeet Singh 5) Geeta Verma wife of Sanjay Kumar 6) Santosh Rani wife of Shasti Kumar. If during investigation further facts came to Light regarding the officials of revenue department or any other persons then the offence and accused can be added/deleted. If it is approved then the Head officer, Police Station N.R.I. Ludhiana City may be directed to register the case. Even through the decision taken by you will be final and acceptable. Report is presented. Sd/- District Attorney, N.R.I. Wing, Upon which Hon'ble Addl. Director General of Police, N.r.I. Wing, Phase-7, SAS Nagar while giving approval vide office order No.14341/Nodal Desk-4 dated 27.05.2024 "SHO PR NRI LDH City to register case and investigate" ordered to investigate after registration of the case. Today police Station: On receipt of above complaint case against (1) Satnam

Singh son of Ajit Singh resident of H.no.2871 Gali No.07 Gill Road New Janta Nagar, District Ludhiana, 2) Harjinder Singh son of Jaswinder Singh resident of House No.2960, Azad Nagar New Shimlapur Ludhiana, 3) Gurbaksh Kaur wife of Jaswinder Singh resident of House No.1252/59-C Gali No.05 Ishar Nagar Gill Road Basant Avenue Ludhiana, 4) Tarsem Singh son of Gurmeet Singh, 5) Geeta Verma wife of Sanjay Verma and 6) Santosh Rani wife of Shakti Kumar resident of Ishar Nagar Gill Road Block-C Begowal Road, District Ludhiana was registered at the first instance under Section 406, 420, 465, 467, 468, 471, 120B IPC at Police Station N.R.I. Ludhiana City. That file of the case along with copy of F.I.R. was kept with me for further investigation and copies of F.I.R. are being sent to the Officers and IlqaMagistrate Sahib. Ludhiana and control room is being informed through Telephone. Report No.11 at 18 35 PM.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has submitted that 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 co-accused namely Harjinder Singh, Gurbaksh Kaur and Tasem have already been granted concession of anticipatory bail from the Trial Court vide order dated 31.08.2024, therefore, prays for grant of anticipatory bail to the petitioner.

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 is serious in nature and the custodial interrogation

of the petitioner is required, therefore, prays for dismissal of the instant petition. He further points out that earlier the petitioner was granted the anticipatory bail by the Trial Court but the petitioner did not join the investigation at that time and his anticipatory bail got dismissed.

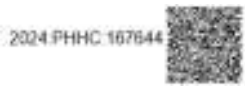
4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for the petitioner that the dispute involved in the present FIR is of civil nature which has been given a criminal colour by the complainant and the co-accused have already been granted concession of anticipatory bail by the Trial Court, 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

16.12.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>