



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

132

CRM-M-63503-2024

DATE OF DECISION: 17.12.2024

SATWINDER SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Sartaj Singh Gill, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.
Mr. Rajiv Joshi, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 482 of BNSS for grant of anticipatory bail in FIR No. 151 dated 28.11.2024 under Sections 318(4) and 316(2) of BNS registered at P.S. Mullanpur, District SAS Nagar.

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

‘Copy of Application Number 4774/S/SSP dated 02.09.2024, "To the Hon'ble SSP Sahib, SAS Nagar (Mohali), Punjab. Subject: Complaint against uncle (Chacha) Darshan Singh's son, Satvinder Singh (Mobile No. 9876595908), resident village Bhadojiya, District Mohali, of for misleading the family and unlawfully admitting me to the de-addiction center, Hargobind Foundation, village Shaheedgarh, District Fatehgarh Sahib, in conspiracy with the center's owner Avtar Singh alias Tari and Harman (Mobile No. 7355648509), torturing me, causing mental and physical harm, beating me, keeping me



hungry, threatening to kill me, forcibly transferring property in the name of my wife Charanjit Kaur and son Gurpreet Singh, and committing fraud by selling property worth approximately misappropriating the money. 4.5 crores and Respected Sir, it is submitted with humility that I, Harinder Singh son of Amrik Singh, resident of House No. 2177, Block C, Sector 5, Eco City 1, New Chandigarh, was misled and provoked by my uncle's (chacha's) son, Satvinder Singh, son of Darshan Singh, resident of village Bharojiya, District Mohali, and was admitted to the de-addiction center, Hargobind Foundation, village Shaheedgarh, District Fatehgarh Sahib, on 26-08-2023. It is pertinent to mention that the people of above said de-addiction center (being operated illegally) took me from my home after assaulting me, and that time my uncle's son Satvinder Singh was also accompanying. Later, when I reached the above said de-addiction center, they subjected me to severe physical abuse after taking me inside their facility. They neither provided me with food nor any medicines. Day and night, they forced me to sit facing the wall, which caused me extreme mental and physical harm. The hunger and thirst led to severe physical weakness. They had beaten me and starved me to compel me to transfer all my property in the name of my wife Charanjit Kaur and my son Gurpreet Singh. Out of fear, I disclosed the details of my property, which includes: two showrooms numbered 183 (area 100 square yards) and Showroom no 290 (area 100 square yards) in Eco City Phase 1 (Sector 5), New Chandigarh; a residential plot of 500 square yards, plot number 2164, Block C, in Eco City Phase 1 (Sector 5), New Chandigarh; a residential plot numbered 73 (area 100 square yards) in Eco City Phase 1 (Sector 6), New Chandigarh; booths (20 square yards each) in Eco City Phase 1, New Chandigarh; and two bighas and two biswas of land at village Bhadojiya, District Fatehgarh Sahib. The total value of this property is estimated to be between 25 crores and 28 crores.



Under duress, eight individuals forcibly took me from the de-addiction center while I was starving and assaulted me, threatening to kill me, used to take me to Tehsil Block Majri, GMADA office, and Tehsil Mohali, and these eight members while beating me, took me centre. back to the de-addiction centre This caused me immense physical harm and financial loss. They kept me hungry and thirsty, tortured me without providing any medication, and threatened to kill me, thereby coercing me into transferring all the aforementioned property in the name of my wife, Charanjit Kaur, and some in the name of my son, Gurpreet Singh. The remaining property was fraudulently transferred using forged signatures. Subsequently, on 15-02-2024, they brought me back from the de-addiction center because, during my stay there, my cousin (Uncle's son) Satvinder Singh mislead my father, causing him to fall into depression When my father inquired about me, they deceitfully told him that I was out with friends. Exploiting his vulnerable state, fraudulently obtained his signatures they as well. Upon coming to know about the torture and forced property transfers in name of my wife and children at the de-addiction center, my father passed away on 06-03-2024. It is noteworthy that during my admission to the de-addiction center, I had sold a 300-square-yard plot numbered 154 for Rs. 2.8 crores. Additionally, the amount of sold Plot and Rs. 50 lakhs in cash kept at my house, were also taken by my cousin (Uncle's Son), who misled my wife and family. Moreover, some property was also fraudulently sold. On 26-02-2024, a 500-square-yard plot numbered 2164 in Block C, Eco City, New Chandigarh, valued at Rs. 4.5 crores, was sold, and Rs. 2.81 crores were embezzled and duped. When my wife and son informed me about this, I was deeply shocked and distressed. Because my cousin (Uncle's Son) further deceived my wife of Rs. 1.79 crores by promising to invest in property out of the amount received in purchasing other properties. However, neither was any sale deed was executed by



him, nor was the money returned. Additionally, Rs. 84/- lakhs were invested in the name of some company, with the assurance of receiving a monthly profit of 1%, but neither any profit was received nor was the principal amount returned. Furthermore, receipt was issued by the company. On 16-08-2024, I discovered that even the property not transferred to my wife's name was also fraudulently transferred by them using forged signatures. As of now, I have no property, money, or bank balance left. It is also pertinent to mention here that my cousin (Chacha's son), Satvinder Singh, attempted to send me to the de-addiction center again by filing a false case of substance abuse against me. He conspired fabricate a to involve the police fake DDR against me with the intention of pushing me into mental anguish and illness, thereby enabling him to usurp my property and money from my family. My family and I face a grave threat to our lives and property from my cousin, Satvinder Singh. If any harm, whether physical or financial, befalls me or my family, he will be solely responsible. Therefore, I humbly request your good self that necessary legal action be taken against my cousin, Satvinder Singh (Phone No.: 9876595908), resident of Village Bharojiya, District Mohali, for misleading my family and unlawfully Foundation Shaheedgarh, admitting me De-addiction District to the Center, Hargobind Village Fatehgarh Sahib, in collusion with the center's owner, Avtar Singh alias Tari, and Harman (Phone No.: 7355648509). They conspired to mentally, starve me, torture me physically and threaten to kill me, and forcefully transferred my property to the names of my wife, Charanjit Kaur, and my son, Gurpreet Singh. Subsequently, sold my property and embezzled the money. I request your assistance in recovering the money from the sold property and the embezzled amount from the aforementioned individuals. Thank you. Date: Yours sincerely, Signature/ Harinder Singh Harinder Singh Son of Amrik Singh, Resident of House No. 2177, Block C,



Sector 5, Eco City Phase -1, New Chandigarh, Phone: 70573-55592.'

3. Contentions

On behalf of the petitioner

Learned Senior counsel for the petitioner submits that the dispute revolves around the property between two cousin brothers (sons of two real brothers). He further submits that the allegations as made out from the FIR is that the petitioner got the complainant's property transferred in the name of complainant's wife and son and thereafter, sold off the same and misappropriated the sale proceeds thereof but the same can be tested at the strength of documentary evidence, 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. He asserts that though some headway made in the investigation which would reveal that on account of complainant getting into addiction of narcotics the property in question was transferred in the name of wife and son of the complainant to protect the interest in the said property.

On behalf of the complainant

Learned counsel for the complainant has not denied the factum of relationship between the parties, though submits that he is not aware of any such transfer of the property in question but has placed on record certain documents which belies the stand of the petitioner taken before the Trial Court. He has referred to those



documents as agreement to sell dated 30.7.2024 (Annexure P-15), Statement of Account of Gurpreet Singh dated 31.08.2024 (Annexure P-17) and Agreement to sell dated 16.04.2024 (Annexure P-18).

4. **Analysis**

Be that as it may, having regard to the submissions made before this Court that the dispute revolves around the transfer of the property to be justified or not the examination/investigation can be made by the police on the basis of the documentary evidence for which custodial interrogation is not warranted, added with the fact that there is undertaking being given today on behalf of petitioner that he will join the investigation within a period of seven days from today and will provide every information and necessary documents as is sought by the investigating officer, hence, 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

17.12.2024
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No