

2025:PHHC:011699



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

220

CRM M-1644-2025

Date of Decision: 23.01.2025

Gurbachan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Suhjit Singh, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Lakshay Bector, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of BNSS, 2023, with a prayer to grant the concession of anticipatory bail in case FIR No. 0265 dated 09.12.2024 registered under Sections 406, 420, 506 and 120-B IPC at Police Station Sadar Ludhiana, District Police Commissionerate, Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by Seema Bhalla and the same has been reproduced below:-

“Today one application number 446598/447364 dated 30.09.2024 has been received from Seema Bhalla wife of Mr. Aswani Bhalla resident of Ajjan, 5 Gita Vihar Colony Thrikke Ludhiana Bajria Dak Barai Mukadama in the Police Station through post for the registration of case. The contents of which are, To the "Hon'ble

Commissioner of Police, Ludhiana" Subject:-Complaint for registration of case under section 406, 420, 506, 34, 120-B of the I.P.C.

(1) That Gurbachan Singh son of Amrik Singh son of Makhan Singh, Amrik Singh son of Makhan Singh, Kaka Singh (elder brother of Gurbachan Singh) and Lucky Raheja and his brother all residents of House No. 2147, Kamla Nagar, Dhuri Line, opposite against Kalsian Wala Dera, Ludhiana for committing of fraud of Rs. 42 lakhs and for putting of threats of life being in relations with gangsters and higher political leaders. I am a peace loving citizen and I am a victim of fraud at the hands of the above stated accused persons who committed fraud with me in connivance with each other.

(2) That accused No. 1 Gurbachan Singh @ alias Mani Shah and accused No. 2 Amrik Singh and accused No. 4 Lucky Raheja are property dealers and the rest of the accused are also associated with them.

(3) That I have purchased one plot at Officers Enclave, Part-2, Village Khevi Gujran, Tehsil and District Patiala vide Vasika number 12018 dated 21.01.2008 and I have sold the same to Sh. Savinder Pal Singh son of Sh. Prithpal Singh resident of Mariyan Gali, Majra, Patiala. At the time of receiving of money the accused came with my husband and they were aware of the huge amount we had.

(4) That the accused made us buy a property measuring 125 square yards at Himmat Singh Nagar, Village Gill, Ludhiana. Later the accused told you can earn 8 lakh rupees by selling this property and the property near Leo Ford Factory, situated Shaheed Bhagat Singh Nagar,

Dhandra Road, Ludhiana, but actually the accused had laid a trap but we could not understand their wrong intention from the beginning.

(5) That the accused then pressurized us to sell that property and later lured us to invest their money in a good property, which would appreciate very soon and from which profit of lakhs of rupees would be made. Me and My husband fell into the trap of the accused persons and gave them money to invest.

(6) That after this the accused said that they are going to cut a colony together and allured us to enter into one agreement to sell.

(7) That 1 in the presence of my husband Ashwani Bhalla and Adit handed over Rs. 29 Lakhs to the accused and they gave us through Gurbachan Singh son of Amrik Singh full and final agreement deal dated 8-10-2012 for Plot No. 39, 42, 43 area 375. sq. yards and full and final agreement deal 106 and 107 written in March 2013 and shown the sale of Plot 250 square yards through agreement to sell in our favor, but the accused never got executed any of the sale deed in our favor by taking the excuse that the Government has put an estoppels on issuance of NOC.

(8) That that my husband Ashwani Bhalla wants to purchase a car Toyota Etios TRD sports in cash costing 10-12 lakhs but Gurbachan Singh with malafide intention instigated my husband that he is in the need of money for the development of colony and he further said to my husband that he will purchase the car in his own name and will give us Rs. 50,000/- per month in case we give him the amount in cash.

(9) *That it is worth mentioning here that our car met with accident twice. First, on 25-07-2014, the car was badly damaged and after getting the signature of Gurbachan Singh, we got the insurance claim of car number PB-10-DY-4689. The insurance company transferred the claim amount of around Rs.1,25,000/- but the accused Gurbachan Singh never paid us the said amount and cheated us on the pretext that his house was burgled and he could not pay the said amount. He would pay this amount later but he never paid this amount. Similarly, he did not give an insurance claim for the second accident of the amount of Rs. 1,00,515/- which was paid by the insurance company. On 15-10-2016 Gurbachan Singh usurped our money which we paid him while getting the said car repaired from Toyota agency.*

(10) *That first we have filed an application against the accused with CR. No. 1084130 dated 27-04-2017. During the hearing of the complaint, accused Gurbachan Singh made a note but did not complied with the conditions.*

(11) *That as and when we asked the accused to get the sale deed executed, they kept on making excuses and kept on giving threats to us.*

(12) *That a few days ago when I requested the accused including my husband and my son Adit, Gurbachan Singh and other accused threatened to kill us and said that they are related to gangsters and big political people, so whatever you do, nothing can harm us and if you complain to the police, we will kill you. We are apprehending danger to our life at the hands of the*

accused. Legal action may kindly be taken against the accused persons.

(13) That I have earlier filed an application UID No: 325515 dated 19-3- 2024 against the said accused on which no action was taken against the accused and during the inquiry of this application, the said accused Gurbachan Singh son of Amrik Singh alias Mani Shah issued a cheque No: 782554 Dated 03-09-2024 amounting to Rs 35 lakhs on 29.05.2024 and assured us that the check will be in-cashed at the time of presentation but the cheque was bounced on depositing on 04-09-2024. In this manner the accused have repeatedly committed fraud with us and usurp our money. It is therefore requested that legal action may kindly be taken against accused (1) Gurbachan Singh son of Amrik Singh son of Makhan Singh, (2) Amrik Singh son of Makhan Singh, (3) Kaka Singh (elder brother of Gurbachan Singh), (4) Lucky Raheja and his resident house number brothers all Kamla 2147, Nagar, Dhuri Line, Front Kalsian Wala Dera, Ludhiana for defrauding us of Rs 42 lakhs and for putting threats of life being in relations with gangsters and higher political leaders and FIR be registered against them Thank you. Dated: 24-9-2024, Sd/- Seema Bhalla”.

3. Learned counsel for the petitioner contends that the complainant has concocted a false story, just to extract the money from the petitioner and his family members. The allegations in the present case pertains to the year 2012 and 2014, whereas, the FIR has been lodged only on 09.12.2024 after a delay of over a decade. Still further, it has been alleged that the petitioner and his co-accused had

committed a fraud of Rs. 42 lakhs but not even a single penny of the amount was transferred in the accounts of the petitioner or his other family members. Still further, the petitioner had availed a fraudulent loan of Rs. 1 lakh from the family of the complainant on interest basis and at that time, the complainant and her husband had obtained six blank signed stamp papers. The loan amount was duly repaid by the petitioner with interest. However, the complainant did not return the blank signed stamp papers and other documents and ultimately got the FIR registered against the petitioner.

4. Learned State counsel has placed on record a status report by way of an affidavit of the Assistant commissioner of Police (South), Police Comissionerate Ludhiana and the same is taken on record.

5. Learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner and submits that during the investigation conducted so far, the allegations levelled by the complainant have been found to be correct. The petitioner and other accused had induced the complainant to enter into an agreement to sell by making a false representation that the accused were going to carve out a colony. Later, the sale deed was not executed in favour of the complainant, by making an excuse that the Government had put a ban on the issuance of 'NOC'. He had never transferred any amount to the complainant or husband of the complainant. Still further, the

intention of the petitioner was to cheat the complainant from the very beginning and a civil suit had been filed by the petitioner against the complainant just to create a false defence as the complainant had been making complaints to the police since 2017. Apart from that, the petitioner is also involved in two more criminal cases, which are as under:-

“(i) FIR No. 03 dated 03.01.2017 under Sections 420/120-B of IPC (later on added Sections 465, 467, 468 and 471 of IPC) registered at Police Station Sadar Ludhiana.

(ii) FIR No. 206 dated 08.12.2016 under Sections 420/120-B IPC registered at Police Station Sadar Ludhiana”.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, it is apparent that the petitioner, who is a developer, has cheated the complainant of Rs. 29 lakhs. He had falsely assured the complainant and her husband that they would be entitled to purchase a 125 square yards plot situated at Himmat Singh Nagar, Village Gill, Ludhiana. However, the colony was not carved out on a false excuse that the government had put a ban on the issuance of no objection certificates. Apart from that, it is apparent that the petitioner and other co-accused had the intention to cheat the complainant of her hard earned money since the very inception. Still further, the petitioner is involved in two more FIRs of similar nature

where the money was taken away by making false promises to poor and gullible investors. Apart from that, the custodial interrogation of the petitioner would be required to know the names, involvement of other co-accused and to recover the other documentary evidence relating to carving out of an illegal colony.

8. Finding no merits, the present petition is ordered to be dismissed.

23.01.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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