



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101

CRM-M-2891-2025 (O&M)
DATE OF DECISION: 22.01.2025

JASPAL SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Dr. Rau P.S. Girwar, Advocate with
Ms. Arachana Arora Rau, Advocate and
Ms. K.T. Rau, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)CRM-2046-2025

This application has been filed for dispensing certified copy of Annexure P-1 to P-3 and impugned order and true translated Annexure P-1 and P-2 and its vernaculars.

For the reasons mentioned in the application and keeping in view the submission made by counsel for the applicant, the application is allowed

Main case1. Relief Sought

This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail in FIR No. 29 dated 17.04.2024 under Sections 420 and 120-B IPC registered at P.S. Balianwali, District Bathinda.

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



‘Copy of application. Office of Senior Superintendent of Police Bathinda No. 67-Crime 24 dated 11.03.2024. To, The Senior Superintendent of Police Bathinda, Sub: Application for taking legal action against Jaspal Singh son of Gurnaib Singh resident Dikh (Mobile No. 9807600027) as well as his wife Preet Kaur wife of Jaspal Singh, Daya. Singh son of Joginder Singh son of Kundan Singh and his wife Gurpreet Kaur wife of Daya Singh resident of Near Ghrat, Road, Village Mehraj, now resident of Village Malooka Mobile No. 9815726438), Harjinder Kaur daughter of Mukand Singh son of Hazura. Singh now wife of Hardev Singh resident of Phul Tehsil Maur Mobile No. 9478774893, Kulwant Singh son of Malkit Singh son of Bhag Snigh resident of Phul Town, District Bathinda, Major Singh son of Karam Singh sno of Chand Snighr esident of Village Mandi Kalan District Bathind, Major Singh son of Karam Singh son of Chand Singh resident of Mandi Kalan District Bathinda and Manga Singh Numberdar resident of Balianwali and Bharat Bhusha Advocate Balianwali have committed forgery and got registered false sale deed and therefore cheated an amount of Rs.1,26,00,000/-, Sir, 1 Lakhvir Singh son of Mahinder Singh son of Shivram Singh resident of Near Pirkhana, Mandi Road, Tehsil Maur District Bathinda. It is respectfully submitted; 1. That above said Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur are my relatives. The above said persons have connived with Darshan Singh. Harjinder Kaur, Kulwant Singh, Major Snig hind Manga Singh Numberdar and have made a gang. They above said persons enticed me and Jaspal Singh and his wife Preet Kaur became dealers and got done the deal of land measuring 41 kanal 10 marla of Daya Singh @ Rs.12,30,000/- per acre and total sale consideration comes to Rs.69,80,000/-. They have got an amount of Rs. 20,00,000/- from me i.e. Rs. 10 Lakh in cash and Rs. 10 Lakh through cheque on dated 17.12.2022 with regard to execute an agreement at Maur Mandi District Bathinda. At the above said



time, Gurpreet Kaur wife of Daya Singh and above said persons Kulwant Singh and Major Singh etc. were also present at there. At that time, Jaspal Singh and his wife Preet Kaur and Dayal Singh and his wife Gurpreet Kaur told me about two persons who were describing themselves as Kulwant Singh and Major Singh and got us met at Maur Mandi and said that Daya Singh has entered into a deal of land measuring 41 kanal 10 marla with Kulwant Singh son of Major Singh. Jaspal Singh is the son of aunt of my wife. Therefore, I had trust on them. Thereafter Jajspal Singh and Daya Singh again enticed us and on dated 19.01.2023, received more earnest money of Rs.5 Lakh at Maur Mandi. Above said Daya Singh and his wife Gurpreet Kaur Jaspal Singh and his wife Preet Kaur had received more, amount of Rs.25 Lakh on dated 29.04.2023 at the time of extension of agreement. In this regard, I had left all the work of writing on Jaspal Singh. He is my brother in law (Sala) in relationship and I had trust on him. On dated 29,04.2023, he did not rightly written the advance money in the writing with intention to cheat us. After that above said Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur in connivance with other persons, with intention to commit cheating with us, shown us the land of some other person and therefore enticed us. Then. Daya Singh and his wife Qurpreet Kaur, Jaspal Singh and his wife Preet Kaur said to my wife that they have another land for good profit. The estimate value of the land is Rs.452,20,000/- and land is measuring 41 kanals and they will also enter into deal of this land. They were my relatives, therefore, I was enticed by them. Then above said Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur shown me a Jamabandi wherein khewat no. 1542 and the land was situated at Mandi Kaloan and the actual owners therein were Darshan Singh and Harjinder Kaur. They have got the same checked from Bharat Bhushan Advocate Balianwali. He said that the ownership is correct and there will be no problem in the



registration of sale deed. After that Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur, Harjinder Kaur, Kulwant Singh, Major Singh have received Rs. 53,20,000/- in cash from my wife on different occasions. The remaining amount of Rs.22,48,000/- has been given to Daya Singh, Kulwant Singh, Harjinder Karu, Jaspal Singh from my as well as the bank account of my wife; Then Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur said to me to come on dated 17.04.2023 in Sub Tehsil Balianwali and the sale deed will be registered on your name. I along with my wife Mandeep Kaur reached at Tehsil. They got scribed the sale deed from Bharat Bhushan Advocate, It was witnessed by Manga Singh resident of Balianwali and Jaspal Singh son of Naib Singh resident of Dikh. They said that sale deed will not be registered on that day for some reasons. We came back. After that on two occasions, they called for sale deed, but the sale deed was not registered. Then on dated 09.05.2023, accused Jaspal Singh, Preet Kaur, Daya Singh, Gurpreet Kaur, Kulwant Singh, Major Singh and other accused Manga Singh Numberdar, Bharat Bhushan Advocate in connivance with each other prepared forged Jamabandi and got registered the sale deed No. 2023.:24/67/1/167 dated 09.05.2023 from Darshan Singh and Harjinder Kaur in Sub Tehsil Balianwali. They have received entire amount of Rs.1,26,00,000/- from me in cash as well as through cheques. I had given them the copy of sale deed for sanction of mutation. The above said accused Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur, Darshan Singh, Harjinder Kaur said to me that the mutation will be sanctioned in 15-20 days. Therefore they pretended me that the mutation will be sanctioned in few days. But mutation has not been sanctioned. Later on, I had talked with my relatives and they said that they will inform and then came to know that the sale deed which is registered by the persons, but the land is not on their names. Therefore Jamabandi has been fabricated



and committed fraud. After that, I alongwith my wife and other relatives visited the land which was shown by the accused. The original owners of the land said that they have not sold any land. After that accused Jaspal Singh son of Gurnaib Singh resident of Dikh and his wife Preet Karu wife of Jaspal Singh, Daya Singh son of Joginder Singh son of Kundan Singh and his wife Preet Kaur wife of Jaspal Snigh resident of Ghrat Road, Village Mehraj now Maluka, Harjinder Kaur daughter of Mukand Singh son of Hazura Singh now wife of Hardev Singh resident of Phul Tehsil Maur, Kulwant Singh son of Malkit Singh son of Bhag Singh resident of Phul Town, District Bathinda, Major Singh son of Karam Singh son of Chand Singh resident of Man. di Kalan District Bathinda and Manga Singh Lambardar resident of Balianwali have visited Bharat Bhushan Advocate Balianwali, They said that they had to cheat which they have done and from beginning their intention was to cheat. 2. The above said persons have taken benefit of our relatives and committed cheating. After that Jaspal Singh promised that the land is correct but has been mentioned wrong in the record. He will deliver the possession and got enter the mutation till 30.11.2023 and executed an agreement with us on dated 26.10.2023 and given us promise that if he fails to get register the sale deed of above said land till 30.11.2023, he along with other accused will return our amount of Rs.1,26,00,000/-. But the accused have not get register the sale deed and nor returned our amount of Rs. 1,26,00,000/-. 3. That now the above said persons have been contacted, they did not given any reliable reply. From which it is clear that the above said persons in connivance with other have committed fraud. Strict action be taken and justice be given. Our sale consideration and sale deed expenditures be returned from the accused. Thanking You. Sd. Applicant. Lakhvir Singh son of Mahinder Singh son of Shiv Ram resident of Near Pirkhana, Maur Mandi, Tehsil Maur District Bathinda.'



3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has submitted that the instant dispute has arisen out of an agreement to sell and the matter is civil in nature and no criminal liability arising out of the these alleged transactions as is evident from the bare perusal of the present FIR. He has further submitted that essential ingredients of intention to cheat is missing in the FIR, 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 the petitioner along with other co-accused allured the complainant to purchase land and got a substantial amount of Rs. 1.26 crores from the complainant by showing fake revenue record and by executing fake agreement/sale deed, therefore, prays for dismissal of the petition.

4. Analysis

Be that as it may, after having given a thoughtful consideration to the submissions as made, by the counsel for both the parties especially the State Counsel has failed to produce any cogent material to show that the alleged forgery was done by the petitioner, therefore, the allegations levelled against the petitioner cannot be taken to be true. However, at this stage, without going into the merits of the case and veracity and genuineness of the FIR, this Court do not find any reason where custodial interrogation of the petitioner is to be required, moreso,



revenue record is sufficient enough for the prosecution to conduct investigation which can be collected from the Government department including the sale deed and the agreement to sell. 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

22.01.2025
anuradha

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