



CRM-M-2693-2025

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

CRM-M-2693-2025

Date of Decision: 04.02.2025

Jarnail Singh Bajwa

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. G.S. Kaura, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
36	06.04.2024	NRI, District SAS Nagar	406, 420 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per custody certificate filed by State counsel, the accused has massive criminal history and counsel for the petitioner does not dispute the said fact.

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:-

“To, 1. D.G.P, Sector 9, Chandigarh, 2. A.D.G.P.N.R.I Wing, Phase-7, S.A.S. Nagar, Mohali, 3. S.S.P, S.A.S. Nagar, Mohali, S.H.O, Police Station Sadar Kharar, S.A.S. Nagar, Mohali. Subject: For registration of case FIR under sections 420/467/468/471/120-B, IPC and other sections of Indian Penal Code against 1. Jarnail Singh Bajwa son of Bishan Singh (Managing Director Bajwa Developers Private Limited, Registered Office Sunny Enclave Desumajra Tehsil Kharar, District SAS Nagar Mohali), 2. Gulzar Singh Nambardar Ward No. 10 Municipal Council Kharar, 3. Witness Rajdeep Singh son of Ranjit Singh Sunny Enclave Majra, 4. Rajinder Singh son of Dalbara



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Singh Desumajra, 5. Smt. Trishla Prashar wife of Sh. Vinod Kumar son of Bhagwan Dass resident of House No. 3040, Sector 44-D, Chandigarh and other accused, who are involved in this racket. Sir, It is submitted that I, Arvinder Kaur Brar wife of Rajinder Singh Brar son of S. Bachint Singh Brar, am a resident of House No. 514, Phase-10, Sector 64, S.A.S. Nagar, Mohali (Presently resident of 320, Pressed Brick Drive Brampton, Ontario, Canada 6V 414) and am an N.R.I and live in Canada. Copy of my passport is attached herewith. That I have appointed Dr. Mohinder Singh Toor son of Sh. Jagjit Singh Toor resident of House No. 2506, Phase-11, S.A.S. Nagar Mohali, aadhar No. 33025402023 (ME-98156-52506) as my special attorney. Copy of power of attorney is attached herewith. It is submitted that I had purchased one plot No. 4730-D Sunny Enclave Desumajra from accused Smt. Trishla Prashar wife of Vinod Kumar resident of House NO. 3040, Sector 44-D, Chandigarh vide deed No. 8461 dated 27/01/2011. That said plot was purchased by accused Trishla Prashar from accused Jarnail Singh Bajwa vide deed No. 4943 dated 28/02/2007. Copy of above said sale deed dated 28/02/2007 is attached with this complaint and copy of jamabandi, in which accused Trishla Prashar has been shown as owner is also attached herewith. That when I wanted to raise construction of the house on above said plot and when my relatives went to the plot and saw then we remained surprised that house was already lying constructed on above said plot No. 4730-D. When we made whole inquiries, then Sh. Tarun Verma son of Sh. Kasturi Lal Verma son of Sh. Kundan Lal Verma and Kasturi Lal Verma son of Sh. Kundan Lal Verma son of Sh. Nathu Ram resident of House No. 138, Sector 70, Mohali showed that they had purchased the said plot No. 4730-D vide deed No. 46, 18 dated 5/02/2007. Copy of above said sale deed is attached herewith the complaint. Thereafter Sh. Tarun Verma son of Sh. Kasturi Lal Verma son of Sh. Kundan Lal Verma and Kasturi Lal Verma son of Sh. Kundan Lal Verma son of Sh. Nathu Ram resident of House No. 138, Sector 70, Mohali sold the said plot to Paramjit Singh son of Jang Bahadur and thereafter said plot was transferred in name of Parneet Kaur wife of Dampreet Walin resident of House No. 37. Dilwal Colony, Urban Estate, Patiala. Thereafter above said plot No. 4730-D was purchased by Amarpal Singh son of Sh. Parwinder Singh and Mandeep Kaur wife of Sh. Amarpal Singh resident of House No. 720, Block D12 Family Society Near J.P.L Sector 91, S.A.S. Nagar, Mohali and the house is under construction. Copy of the sale deed is attached with the complaint. When deed No. 46.18 dated 5/02/2007 and deed No. 4943 dated 28/02/2007 were tallied, then it became clear that accused Jarnail Singh Bajwa son of Bishan Singh (Managing Director Bajwa Developers Private Limited Registered office Sunny Enclave Desumajra Tehsil Kharar District S.A.S. Nagar Mohali fraudulently and clandestinely sold Plot No. 4730-D to Sh. Tarun Verma son of Sh. Kasturi Lal Verma son of Sh. Kundan Lal Verma and Kasturi Lal Verma son of Sh. Kundan Lal Verma son of Sh. Nathu Ram, resident of House No. 138, Sector 70, Mohali vide deed No. 4618 dated 5/02/2007 and with a malafide intention sold same plot to accused Trishla Prashar vide deed No. 4943 dated 28/02/2007. From the perusal of sale deeds of both the sale deeds, it becomes clear that Jarnail Singh Bajwa intentionally sold plot No. 4730-D firstly to Sh. Tarun Verma son of Sh. Kasturi Lal Verma son of Sh. Kundan Lal Verma



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and Kasturi Lal Verma son of Sh. Kundan Lal Verma son of Sh. Nathu Ram, resident of House No. 138, Sector 70, Mohali and after few days sold the above said plot No. 4730-D to accused Trishla Prashar vide deed No. 4943 dated 28/02/2007. That when accused Trishla Prashar came to know that above said plot was already sold and it is in possession of Tarun Verma son of Sh. Kasturi Lal Verma son of Sh. Kundan Lal Verma and Kasturi Lal Verma son of Sh. Kundan Lal Verma son of Sh. Nathu Ram, then accused Trishla Prashar in very clever manner, colluded with Jarnail Singh Bajwa, sold above said Plot No. 4730-D to complainant on 27/01/2011 vide deed No. 8461. That Jarnail Singh Bajwa has also attached approved site plan of above said colony Sunny Enclave in GMADA, which is attached in file of GMADA. Copy of this site plan is attached herewith this complaint. The sale deed which was executed in favour of complainant vide deed No. 8462 dated 27/01/2011, its copy is already attached with the complaint and copy of jamabandi is also attached with complaint. That above said Jarnail Singh Bajwa is very cunning and fraud type of person, against whom cases of hundreds of people regarding bouncing of cheques, cheating and fraud are registered and he has no fear of law and he can go to any extent in committing cheating and fraud. In this case also, firstly he sold plot No. 4730-D to Sh. Tarun Verma son of Sh. Kasturi Lal Verma son of Sh. Kundan Lal Verma and Kasturi Lal Verma son of Sh. Kundan Lal Verma son of Sh. Nathu Ram resident of House No. 138, Sector 70, Mohali and after few days sold the same plot to accused Trishla Prashar vide deed No. 4943 dated 28/02/2007. That when accused Trishla Prashar came to know that cheating had been committed with her, she contacted Jarnail Singh Bajwa and above said accused in collusion with each other and with an intention to commit cheating and fraud with complainant, sold the said plot to complainant vide deed No. 9461 dated 27/1/2011 despite knowing that said Plot No. 4730-D had already been sold to Tarun Verma son of Sh. Kasturi Lal Verma son of Sh. Kundan Lal Verma and Kasturi Lal Verma son of Sh. Kundan Lal Verma son of Sh. Nathu Ram. It is pertinent to mention here that Jarnail Singh Bajwa sold the said plot to two persons and when Trishla Prashar came to know about it, then she in collusion with Jarnail Singh Bajwa sold the plot to complainant, whereas in the site plan, its purchaser has raised construction of house on Plot NO. 4730-D, nor any other plot No. 4730-D is present in site plan. It also becomes clear that accused Jarnail Singh Bajwa son of Bishan Singh (Managing Director Bajwa Developers Private Limited, Registered Office Sunny Enclave Desumajra Tehsil Kharar District S.A.S. Nagar, Mohali, Nambardar Gulzar Singh, witnesses Rajdeep Singh son of Ranjit Singh Sunny Enclave Majra, Rajinder Singh son of Darbara Singh and Smt. Trishla Prashar are in collusion with each other and after misleading the innocent people, fleece hefty amounts and after fabricating the documents, sell the plots to innocent people fraudulently. This fraud and cheating has been committed with complainant also. It is submitted that complainant is an N.R.I and above said accused in collusion with each other, fraudulently sold Plot No. 4730-D, Sunny Enclave Desumajra Kharar to complainant, which was already sold and the value of which is Rs. Two Crores today and as such have committed a cheating of Rs. Two crores with complainant. It is, therefore, requested that case



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FIR under sections 420/467/468/471/120-B, IPC and other sections of Indian Penal Code be registered against above said accused and appropriate action be initiated."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail.

6. Counsel for the complainant submits that he would have no objection in case this Court grants bail to the petitioner.

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 03.02.2025, the petitioner's total custody in this FIR is 04 months and 28 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.



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12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

04.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.