

2025:PHHC:037114



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

CRM M-3292 of 2024 (O&M)
Date of Decision: 24.02.2025

Rupinder Singh		...Petitioner
	Versus	
State of Punjab		... Respondent

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

Present : Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Sukhdeep Singh Chhatwal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. J.S. Jaidka, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.0028 dated 29.09.2023 registered under Sections 448 and 420 of IPC at Police Station NRI, District SAS Nagar, Mohali.
2. The FIR in the present case was registered on the basis of the statement made by Sukhwinder Singh Sandhu, aged 62 years, a non-resident Indian and the same has been reproduced below:-

*“A representation has been received from the office the
Director General of Police, NRI Wing, Punjab by order*

No.27355/Nodal Desk-05/ NRI Wing dated 28.09.2023 through mail. The said complaint UID No.2043606 dated 02.06.2021 filed by Sukhwinder Singh Sandhu S/o Sohan Singh Sandhu resident of Village Bisesrpur, District Jalandhar to the office the Directed General of Police, NRI Wing, Punjab, SAS Nagar Mohali, which is as under:-

Subject: Complaint with regard to illegal acts and criminal trespass committed by Sh. Rupinder Singh, which constitute offences under Sections 379, 424, 425, 441, 453 & 457 of Indian Penal Code-Complaint by Sukhwinder Singh Sandhu S/o late Sh. S. Sohan Singh Sandhu, aged about 62 years, R/o Village Bashesharpur, P.O. Lambra, Jalandhar-II, Punjab-144026, presently residing at House No.1, Shepherds Close, Burradon, Northumberland, U.K. England, NE23-7PT. Dear Sir, With reference to the above, it is respectfully submitted as under:

- 1. That the complainant is a non-resident Indian residing in U.K. and has been residing at the aforementioned address.*
- 2. That while the present applicant and his family members are stuck in United Kingdom due to their inability to travel to India due to COVID-19 restrictions, it has just been brought to my notice that Sh. Rupinder Singh (Phone No. 9888778277) has committed acts of house trespass with ulterior motives and has entered my house i.e. Flat No. 1221-A, Palm 25, Kharar.*

3. That there are various personal belongings, which were kept by me in the said Flat and the said flat was duly locked by me, before travel to U.K.

4. That it has transpired that all personal belongings of very substantial value stand removed by said Sh. Rupinder Singh from the flat and he, with malafide intentions to illegally grab my property, has also been carrying out some construction inside the flat.

5. That as my immediate visit to India is not feasible due to COVID-19 restrictions of travel, I request you to get my above mentioned flat No. 1221-A, duly restored to its original vacant status/condition and have it duly locked in your presence to prevent any further mischief by the aforesaid Sh. Rupinder Singh or his agents and associates. I shall deliver the copy of inventory of goods stolen/removed after my visit and inspection.

6. That after paying complete consideration for the said Flat 1221-A, various documents of title were duly executed and delivered to me along with possession by M/s Galaxy Developers. I have been in uninterrupted possession of the said Flat No. 1221-A, was handed over to me by M/s Galaxy Developers through their authorized person. The aforesaid offences have been committed by Rupinder Singh about 5-6 days back. Immediately upon learning about the incident from a friend living in the Society, I made repeated calls to the said Rupinder Singh. However, the said Rupinder Singh has taken law in his own hand is pursuing his illegal and dishonest acts with ulterior motives. Having regard to the facts and circumstances, please register my complaint and book the culprit. It is further prayed that

my property should be protected till my arrival in India. Thanking you, Your's Faithfully, Sukhwinder Singh Sandhu S/o late Sh. S. Sohan Singh Sandhu R/o Village Basheshrpur, P.O. Lambra, Jalandhar-II, Punjab-144026, presently residing House No. 1, Shepherds Close, Burradon, Northumberland, U.K. England, NE23-7PT”.

3. Learned senior counsel appearing on behalf of petitioner submits that the dispute in the present case pertains to Flat No. 1221-A, Palm 25, Amazon City-3, Sunny enclave, Sector 123, Kharar, District SAS Nagar (Punjab) and the petitioner had purchased the said flat from the developer. Being the purchaser, the petitioner is a bonafide resident of the said flat and is having all the relevant documents in his favour. He further contends that the petitioner had entered into an agreement (Annexure P-2) with M/S Galaxy Developers on 07.02.2016 and the developer had allotted the said flat to the present petitioner. The petitioner had also paid the first installment of Rs. 4,00,000/- to the developer on 07.02.2016 vide receipt (Annexure P-3). After receiving the full and final payment of the flat, an allotment letter dated 12.04.2018 (Annexure P-4) was issued in favour of the present petitioner. After completion of all the formalities, M/S Galaxy Developers had also issued a letter of possession (Annexure P-5) in favour of the petitioner and handed over the physical possession to the petitioner. Thus, the petitioner was continuing as owner in possession of the said flat prior to the complainant, i.e., August 2018, when the possession letter (Annexure

P-5) was issued to the petitioner. He further contends that the complainant had failed to show any document, which could prove that the flat was ever allotted to the complainant and has now created certain fake documents. Learned counsel further contends that in fact the builders had purchased the land on 18.01.2017 from Bajwa Developers Limited and the claim of the complainant that he had purchased the flat from builders on 31.05.2013 by way of an agreement to sell is absolutely false. Learned senior counsel further vehemently argues that the custodial interrogation of the petitioner may not be required in the facts and circumstances of the present case.

4. On the other hand, learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by the petitioner. Even, during the course of hearing, the Investigating Officer of the case was also directed to verify the fact with regard to the ownership of Flat No. 1221-A, Palm 25, Amazon City-3, Sunny Enclave, Sector 123, Kharar, District SAS Nagar (Punjab) from the concerned developers and the petitioner was permitted to join the investigation. The police also permitted the petitioner to join the investigation, but during investigation, the entire record was collected by the police and it was found that the present petitioner had forcibly and illegally taken the possession of the flat in question and had also committed the theft of valuable articles lying in the said flat. Even, the complainant was associated in the

investigation and he had produced the agreement executed between him and M/S Galaxy Developers regarding the flat and all receipts, allotment letter, customer invoices and possession letter were taken into possession by the police. It was found that the flat was lawfully allotted to the complainant in the present case. It was also found that the present petitioner had committed theft of valuable articles from the flat and, thereafter, rented out the said flat to one Alka Devi on monthly rent of Rs. 12,000/- and the statement of Alka Devi was also recorded under Section 161 Cr.P.C. Apart from that, the agreement dated 07.02.2016 produced by the petitioner before this Court was sent for examination/matching of signatures with the admitted signatures of Gurindervir Singh on the agreement dated 07.02.2016 were forged and fabricated. Thus, there was sufficient evidence to show that the whole claim of the present petitioner was false and was based on forged documents.

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

6. In the present case, the FIR has been got registered by a non-resident Indian, who is also a senior citizen, by alleging that he was the lawful owner in possession of a flat in Kharar and all his belongings were kept by him in the said flat and the flat was duly locked by him, before traveling to U.K. However, during investigation, it has been found that all personal belongings and other valuables were stolen by the petitioner from the flat and had illegally

grabbed the property. Even, the petitioner had relied upon an agreement dated 07.02.2016, which was allegedly executed by the developers M/s Galaxy Developers and the said agreement has been found to be forged and fabricated. Even, during the course of investigation, it was found that the petitioner was not the allottee of the said flat and the recovery of the stolen articles is yet to be effected from him. Thus, keeping in view the fact that the police is yet to recover the articles from him and the involvement of other accused is yet to be verified by the police, the custodial interrogation of the petitioner may be required, at this stage. Even otherwise, it is a matter of common knowledge that nowadays certain unscrupulous elements are illegally occupying the properties of non-resident Indians and such tendency needs to be curbed by the Courts as well as law enforcement agencies.

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

8. All pending applications, if any, are disposed off, accordingly.

9. The above observations have been made only for the limited purpose of disposal of the bail application and shall not be construed as an expression of opinion on the merits of the case.

24.02.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE