



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-5577-2025
DATE OF DECISION: 05.02.2025

NACHATTAR SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Swarn Tiwana, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 482 of BNSS for anticipatory bail to the petitioner in FIR No. 249 dated 21.09.2024 under Sections 420 and 120-B of IPC at P.S. Tripuri, District Patiala.

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

'This time a complaint No. 2083/Peshi dated 01.03.2023 of Archana Sharma wife of Satpal Sharma resident of H. No. 99-E, Ranjit Nagar, Jeona Road, Patiala Mobile No. 99158-35153 is received by post from the office of Senior Superintendent of Police, Patiala for registration of case under section 420,120-B of IPC against Nachhatar Singh Numberdar son of Bachan Singh resident of village Sidhuwal, District Patiala and Yashpal son of Khem Chand resident of H. No. 105-B, Khalsa Nagar, Bhadson road Patiala, the contents of which are that: To, the Hon'ble Senior Superintendent of Police, Patiala, Subject:-



Complaint for taking legal action against Nachhatar Singh (Mob: 98147-65687) son of Bachan Singh son of Basanta Singh resident of village Sidhuwal, Tehsil and District Patiala and Deep Mall (Mob: 8360792295) wife of Santosh Kumar son of Puran Chand, resident of H. No. 105-B, street No. 2 Khalsa Nagar, Patiala. Sir, it is requested that the complainant had purchased a house measuring 0-6-1/4 Biswa i.e. 320 Sq. Yds situate at village Sidhuwal abutting to the drain, in Khalsa Colony, Tehsil and District Patiala from Deep Mala wife of Santosh Kumar vide Vaseeka No. 2021-22/11/1/7542 dated 04.08.2021 against the amount of Rs. 12,30,000/-. In this regard the Agreement to Sell was executed on 12.07.2021 with above said Deep Mala wife of Santosh Kumar. Deep Mala had purchased this house from Nachhatar Singh son of Bachan Singh resident of village Sidhuwal Tehsil and district Patiala General Power of Attorney of Gurdev Singh son of Basanta Singh son of Nikka Singh resident of village Sidhuwal, Tehsil and District Patiala vide General Power of Attorney No. 25009 dated 18.02.2006 and Nachhatar Singh had got executed the registry of said house measuring 0-6-1/4 Biswas Le. 320 Sq. Yds in favour of Deep Mala wife of Santosh Kumar vide Vaseeka No. 2020-21/11/1/15365 dated 18.02.2021, the mutation of which was sanctioned on 11344. The applicant has submitted the documents with the Patwari regarding mutation of above said house, then it came to know that the mutation of the above said house has been cancelled by the Tehsildar and when the complainant has inquired about it from the office of Tehsildar then it came to know that Jaspal Singh son of Sadhu Singh resident of village Jassowal, Tehsil and District Patiala had filed an application, in which, it was mentioned that Gurdev Singh son of Basant Singh, who executed the General Power of Attorney No. 25009 dated 18.02.2008 in the name of Nachhatar Singh, said Gurdev Singh has died on 21.08.2018, due to which, said General Power of Attorney has been cancelled but Nachhatar Singh son of Bachan Singh while misusing the said



cancelled General Power of Attorney with bad intention has got executed many registries and mutation after the death of Gurdev Singh (executant of General Power of Attorney) and also in the process to further execute theregistries in future. Nachhatar Singh has sold the said house to Deep Mala with cheating and in connivance with Deep Mala, he has sold the above said amount to complainant against the amount of Rs. 12,30,000/-, for which, neither Nachhatar Singh was authorized General Power of Attorney nor Deepmala was owner of the house. In this way, the above said persons have usurped the amount of Rs. 12,30,000/- from the complainant with cheating and despite of not having ownership or General Power of Attorney, has executed the fake registry. Therefore you are requested by filing the present complaint that legal action be taken against the above said accused persons and my amount be returned to me from them and justice be provided to me. Sd/-Archana Sharma, wife of Satpal Sharma, resident of H. No. E-99, Ranjit Nagar, Seona Road Patiala mobile No. 99158-35153 dated 27.02.2023.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. As per the allegations in the FIR, the petitioner represented himself as Power of Attorney of Gurdev Singh and sold the property to Deep Mala who further sold the property to the complainant. He submits that the dispute involved in the matter is civil in nature and the complainant in the connivance with the local police is trying to give it a criminal colour. He further submits that the case is based upon the documentary evidence and therefore the custodial interrogation of the petitioner is not required, hence, he be released on anticipatory bail.

**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 there are serious allegations that the petitioner represented himself as Power of Attorney of Gurdev Singh who has already expired on 21.08.2018, therefore, prays for dismissal of the petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, especially to the effect that the dispute involved in the matter is civil in nature and the case is based upon the documentary evidence, therefore, there is no need of custodial interrogation of the petitioner, 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

05.02.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>