



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8921-2025
DECIDED ON: 21.02.2025

JARNAIL SINGH BAJWA

....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.P.S. Ghuman, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked for the second time under Section 483 of B.N.S.S seeking grant of regular bail to the petitioner in case FIR No.02, dated 11.01.2024, registered under Sections 406, 420 IPC, registered at Police Station NRI, District SAS Nagar, Punjab.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“One order No. 917/Nodal Desk-05/N.R.I Wing dated 10.01.2024 together with documents was received through dak from office of Additional Director General of Police, N.R.I Wing Punjab, as per which one complaint U.I.D No. 2396850 dated 0-1.09.2022 was given by Harmindarpal Singh Gandhok son of Sh. Gurdip Singh Gandhok and Jaswinder Kaur Gandhok wife of Harmindarpal Singh Gandhok residents of House No. 3020, Sector 35-D, Chandigarh, presently residents of #

650, Sahalee Drive, SE, Salem, OR 97306, United States of America to Additional Director General of Police, N.R.I Wing, Punjab, S.A.S. Nagar, the contents of which are as under: - "To be reproduced English Portion" Enquiry into above said complaint was conducted by Station House Officer of police Station and from his enquiry, it came to the light that respondent Jarnail Singh Bajwa had executed sale deed in respect of Plot No. 28, Sector 123, Sunny Enclave Phase-2, Jandpur (500 square yards) i.e 16.2/2 marla i.e 50/474 share of land comprised in Khewat Khatauni No. 98/104 khasra NO. 3//21/1 (7-18) vide deed No. 150 dated 05.04.2021 and sale deed in respect of Plot No. 29, Sector 123, Sunny Enclave Phase-2 Jandpur (500 square yards) i.e 16.2/3 marla i.e 50/474 shares of land comprised in khewat khatauni No. 98/104 khasra No. 3//21/1(7- 18) vide deed No. 152 dated 05.04.2021 in favour of Mandeep Kaur Punjeba wife of Ranjit Singh Panjeba resident of House No. 27, Sunny Enclave Sector 123, Phase-2, Kharar, Mohali. Mandeep Kaur - Panjeba wife of Ranjit Singh Panjeba had executed sale deed in respect of Plot No. 28 Sector 123, Sunny Enclave Phase-2, Jandpur in favour of Shifali Singla wife of Rajit Singla son of Madan Lal Singla resident of House No. 2863, Sector 42- C, Chandigarh vide deed No. 7752 dated 06.09.2021 and sale deed of Plot No. 29, Sector 123, Sunny Enclave Phase-2, Jandpur in favour of Shreya Dhingra son of Naresh Kumar Dhingra son of Baldev Raj Dhingra resident of House no. 1870, Sector 70, District S.A.S.Nagar vide deed No. 5603 dated 27.07.2021. Respondent Jarnail Singh R-1 has exchanged plots No. 28 and 29 Sunny Enclave area village Jandpur in lieu of plot nos. 2146 and 2147 sold earlier. In the exchange sale deed of plot No. 28 and 29 Sunny Enclave area village

Jandpur sold by respondent Jarnail Singh to complainant party, the khasra numbers 13//12/1(5-0), 18(8-0), 14//9/2(0-16), 10/2 (4-13) plots 04 which have been entered in the sale deed, those numbers do not tally with sale deed No. 150 dated 05.04.2021 executed by Jarnail Singh Bajwa in favour of Mandeep Kaur Panjeba wife of Ranjit Singh Panjaba in respect of plot No. 28 Sector 123, Sunny Enclave Phase-2, Jandpur's area comprised in khewat khatauni No. 98/104 No. 98/104 khasra No 3//21/1 (7-18) and deed MP/ 152 dated 05.04.2021 in respect of Plot NO. 29, Sector 123, Sunny Enclave Phase-2, Jandpur's area comprised in khewat Khatauni No. 98/104 khasra No. 3/21/1 (7-18) , € rom which' it : - proves that respondent Jarnail Singh Bajwa committed cheating with complainant Harminderpal Singh Gandhok and his wife Jaswinder Kaur Gandhok in respect of plot Nos. 2146 and 2147 purchased by them and by mentioning wrong khasra numbers at the time of exchange sale deed of his plot No. 28 and 29' After registering case FIR under section 406, 420 IPC against respondent Jarnail Singh Bajwa, Managing Director, Bajwa Developers Pvt. Ltd., Sunny Enclave Kharar Mohali, investigation is liable to be conducted. During the enquiry of complaint, no proof/witness has come to the light against authorized signatory of Bajwa Developer Pvt. Ltd., Rajat Singla resident of not known Phone No. 94173-03251, Sherry DHINGA resident of not known and Sub Registrar Kharar. During investigation, if any evidence comes to light against them, then appropriate action can be initiated against them. Report is submitted." Enquiry report was sent to Additional Director General. of Police, N.R.I wing, S.A.S. Nagar, the Punjab through senior officers, who sent report to Law Officer for obtaining legal opinion, whereupon Law

Officer, N.R.I Wing, S.A.S. Nagar wrote in his opinion that on the basis of enquiry report of Superintendent of Police/N.R.I Wing/S.A.S. Nagar and relevant record, it has come to the light that, "respondent party Jarnail Singh Bajwa executed the exchange sale deed of plots No. 28 and 29 with plots Nos. 2146 and 2147 sold earlier to complainant Harminderpal Singh and Jaswinder Kaur by mentioning wrong khara numbers and allegations of committing cheating with complainant are proved by grabbing the plots of complainant. Therefore, in my opinion, if the report of Superintendent of Police, N.R.I Wing, S.A.S. Nagar is based on, correct facts, then prima facie the commission of an offence under sections 406, 420 IPC is made out against respondent party 1) Jarnail Singh Bajwa. , If during investigation any other facts come to the light, then sections and accused can be added/deleted. If approved, Station House Officer of Police Station .R.I., S.A.S. Nagar be ordered to register the case. Even then the decision taken by you shall be final and acceptable: Report is submitted. District Attorney N.R.I Wing." At this, A.D.G. P/N.R. I Punjab while agreeing with legal opinion ordered and "SHO PS NRI SAS Nagar to register case investigate", which was received vide letter order No. 917/Nodal Desk-05/N.R.I Wing dated 10.01.2024 - together with documents through dak. In compliance thereof, order has been passed to register case FIR against accused Jarnai Singh Bajwa son of Bishan Singh Managing Director, Bajwa Developers Pvt. Ltd., Sunny Enclave Kharar, S.A.S. Nagar, Mohali, presently resident of House No. 1003, Sector 71, S.A.S. Nagar, Mohali. At this, case FIR No. 02 dated 10.01.2024 under sections 406, 420 IPC has been registered against accused Jarnail Singh Bajwa son of Bishan Singh Managing Director, Bajwa Developers Pvt.

Ltd., Sunny Enclave Kharar, S.A.S. Nagar, Mohali, presently resident of House No. 1003, Sector 71, S.A.S. Nagar. Complaint together with enquiry report, original documents and copy of FIR has been handed over to A.S.I Gursewak Singh 180/SBSN. Control Room has been informed telephonically. Copies of the FIR are being sent to Illaga Magistrate and higher officers through dak. Completion Report No. 10 dated 10.01.2024.”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR mentioned above. It is further submitted that no offence has been made out against the petitioner in this case. Furthermore, the offences under which the petitioner is booked are triable by the Magistrate, and the dispute between the parties is essentially a civil matter that has been wrongly characterized as a criminal issue. While the petitioner has been involved in similar cases in the past, it is important to note that efforts have been made to settle most of these matters. The petitioner is actively working toward resolving the remaining disputes with the other complainants.

On behalf of the respondent/State

Learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition on the ground that the petitioner is a habitual offender as he is involved in as many as 45 cases of similar nature. He further submitted that the *modus operandi* of the petitioner is that first he commits the offence and then enters into a compromise.

4. Analysis

According to the allegations, the complainant had purchased two plots, No. 28 and 29, through two separate sale deeds dated 26.12.2012 and 15.01.2013, for a total consideration of Rs. 42,50,000/- per plot. However, the complainant later discovered that the petitioner, along with his company, had sold these plots to Rajat Singla and Shary Dhingra, respectively. As a result, the petitioner is accused of cheating the complainant for a total amount of Rs. 85 lakhs. While the petitioner is willing to compensate the complainant, it is important to note that this is not an isolated incident. Rather, there is a series of similar cases against the petitioner, which is sufficient for this Court to conclude that the petitioner repeatedly engages in such offences and then seeks to resolve them through compromises, thereby attempting to circumvent the due legal process. The petitioner's *modus operandi* is to first commit the offence and then subsequently enter into a compromise. There is every likelihood that the petitioner, being a habitual offender, will continue to commit similar offences in the future.

From the perusal of record, it is an admitted fact by the petitioner that earlier also a petition bearing No.CRM-M-880-2025 seeking regular bail was filed by the petitioner, which was dismissed as withdrawn vide order dated 16.01.2025, which is annexed as Annexure P-3 with the present petition.

It is already held by this Court in catena of judgments that the second bail application under Section 483 of BNSS, can be filed, if there is a change in the fact-situation or in law, which requires the earlier view being interfered with or where the earlier finding has become obsolete. An

accused, who has been denied the bail earlier can move a subsequent application only on in that limited area. If the issue, which had been canvassed earlier, would not be permitted to be re-agitated on the same grounds, as it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting.

In the instant case, there is nothing new except change of counsel, which has been pleaded today after the dismissal of earlier petition vide order dated 16.01.2025 before this Court, which is sufficient for this Court to infer that the intent of the petitioner is not *bona fide*.

In view of the discussions made hereinabove, this Court does not find it a fit case to exercise its jurisdiction under Section 483 BNSS, 2023. Hence, the present petitioner is dismissed being devoid of any merits.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.02.2025

Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No