

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

CRM-M-9169-2019
Reserved on: 27.01.2025
Pronounced on: 30.01.2025

Mahant Davinder Singh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-9198-2019

Swami Gyan Dev Singh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-9283-2019

Mahant Babu Singh Chela Mahant Bhag Singh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-13079-2019

Sushil Kumar and another ...Petitioners

Versus

State of Haryana ...Respondent

CRM-M-9325-2019

Mahant Jasvir Singh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-9285-2019

Mahant Gian Singh Chela Mahant Surjit Singh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-15954-2019

Mahant Balwant Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jaivir Yadav, Sr. Advocate with
Ms. Parul, Advocate and
for the petitioner(s) (in CRM-M-9169, 9283 of 2019).

Mr. A.P.S. Deol, Sr. Advocate with
Mr. H. S. Deol, Advocate
for the petitioner (in CRM-M-9198-2019).

Mr. Rajender Kumar, Advocate
for the petitioner (in CRM-M-13079-2019).

Dr. Rishi Pal Singh, Advocate
for the petitioner(s) (in CRM-M-9325, 9285, 15954 of 2019).

Mr. Aashish Bishnoi, D.A.G., Haryana.

Mr. Sunil Chadha, Sr. Advocate with
Mr. Akshay Chadha, Advocate and
Ms. Taanvi Dhull, Advocate
for the intervener.

Mr. Vinod Ghai, Sr. Advocate with
Mr. Dilpreet Gandhi, Advocate
for the complainant
(in CRM-M-9169, 13079, 15954, 9198, 9283, 9285, 9325 of 2019).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
57	24.01.2019	City Thanesar, District Kurukshetra	420, 468 IPC

1. Vide this common order, CRM-M Nos. 9169, 9283 of 2019, CRM-M No. 9198 of 2019, CRM-M No. 13079 of 2019, CRM-M Nos.9325, 9285, 15954 of 2019 are being disposed of. For brevity, the facts are being taken from CRM-M No.9169 of 2019.
2. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
3. Vide an order dated 28.02.2019, the petitioner's arrest was stayed, and the said order continues to this day.

4. The matter has been placed before this Court for the first time, the arguments have been heard, and judgment has been reserved.

5. Counsel for the petitioner has made the following arguments.

6. After listing the bail petitions, when the arrest of the petitioners was stayed, this Court referred the matter to mediation at the request of one of the parties to explore the chances of an amicable settlement vide order dated 11.09.2019. The mediation initially succeeded, and on 19.11.2019, the parties entered into a compromise which was duly signed by the parties. (Copy of the compromise attached as Annexure P-7 vide CRM No.28628 of 2024 in CRM-M No.9198 of 2024.)

7. Counsel for the petitioner further submits that after complying with the terms of the compromise, a quashing petition bearing CRM-M No.10439 of 2020 was filed before this Court, and the Court permitted the parties to get their statements recorded before the trial Court. Subsequently, three members of the complainant party, namely Ramesh, Anju, and Krishna, recorded their statements before the trial Court, and copies of said statements were placed with the matter as Annexure P-17. Despite suffering a statement, four members of the complainant party resiled from the compromise on the ground that a civil suit was filed regarding the land by Mahant Jagtar Singh, who proclaimed himself to be an office bearer of the society. Because of this, another FIR No.527 was registered, and Civil Suit No.01 of 2021-22 was also filed.

8. Counsel for the complainant submits that the complainant has purchased a plot situated at Darr Kalan abutting Akhara, just behind Geeta Niketan from the accused person, namely Mahant Swami Gyan Dev Singh and Mahant Balwan Singh and others by showing a forged site plan. After the sale deed, when the complainant started his construction over the plot, the complainant received a notice/summon from the Court of Ld. Civil Judge, Kurukshetra for appearance in the Court on 21.03.2018, and when the counsel for the complainant appeared in the Court then he it was found that the site plan which was given to the complainant was not the actual site plan of the TP Scheme and the accused person showed the land as a plot to the complainant but rather the same land was earmarked for a park, and the accused person was having no right to sell the said plot to the complainant being the area assigned for the park as per the genuine site plan.

9. Counsel for the complainant further submits that the complainant found themselves to be defrauded by the accused person and approached the accused person, who refused to entertain any such request made by the complainant, which compels the complainant to approach the police with the complaint, which further culminated into present FIR U/s 420 and 460 IPC. The accused person filed a bail application before the Sessions Court, Kurukshetra, and the same was dismissed. Feeling aggrieved, the accused person approached this Hon'ble Court with the present bail application for the grant of

anticipatory bail.

10. The argument of the opposing parties is that the matter was referred to the mediation vide order dated 11.09.2019. In the mediation, the matter was settled inter se by the parties, and a settlement deed was signed by all the parties accused and the complainant along with the aggrieved parties. There was a specific averment in the settlement deed that the property that would be transferred in the complainant's name would be a property with no dispute. Still, the accused person has played very smartly and exchanged the land earmarked for a park with another disputed property and got the sale deed in favor of the complainant where this act of the accused person itself is a malafide as the accused person vide sale deed got the park in the name of the accused person which was otherwise, government land and has transferred a disputed land in favor of the complainant.

11. Counsel for the complainant submits that after the compromise, an exchange deed was executed in favor of the complainant on 05.02.2020 vide sale deed No. 8659. The accused person has filed quashing on the basis of compromise before this Hon'ble Court vide CRM-M No.10439 of 2020, and this Hon'ble Court vide order dated 06.03.2020 has directed the parties to get their statement recorded before the concerned Judicial Magistrate on 15.04.2020 in lieu of the compromise affected between the parties before the Mediation and Conciliation Centre. Before getting the statement recorded, the complainant learned that the property which was transferred vide exchanged deed dated 05.02.2020 was also the property in dispute, and even the civil suit was filed by the department who alleged to be the actual owners of the said property. Interim bail was only granted to the accused person on the basis of the statement given by them for settlement. Still, the complainant is being defrauded by the petitioners a second time, and now the petitioners are running from pillar to post in pursuit of justice. If bail is granted to the petitioners, the complainants will be helpless, suffer irreparable loss, and get nothing but multiple litigation. The act of the petitioners and others is absolutely a well-planned fraud, which they themselves admitted while settling the matter where otherwise, this would not be intentional fraud then there is no good reason for the petitioners to get the exchange deed done in favor of the complainant which eventually comes to another fraud committed in the Court with the complainant and the Government as well.

12. Counsel for the intervener submits that allegations in both the aforesaid FIRs are absolutely identical and anticipatory bails of the present petitioners, which they filed in FIR No. 527 dated 12.06.2019 with Police Station Thanesar, District Kurukshetra, under Sections 467, 468, 471, 120-B, 420 and 406 of the IPC stands dismissed up to this Hon'ble Court. The accused are Mahants of a Dera known as Panchayati Akhara Nirmala (Regd.). It's a case of misappropriating more than Rs. 25 Crores of the Dera.

13. The intervener referred to a judicial precedent passed in LPA-541-1994 (State of

Punjab & Ors. Vs. Mahant Jatinder Dass Chela Mahant Narotam Dass, Mahant, Mandir Dun, Patiala), decided by the Hon'ble Division Bench of this Hon'ble Court on 10.04.2015, it was held thus in paragraph no. 186:

vi) A Mahant-cum-Mohtmim has no authority or power to alienate the property of the Religious Institution in any manner whatsoever and such property vests exclusively in the Religious Institution only.

vii) Any transaction in relation to the immovable properties of the Dera-cum-Religious Institutions of Non-Sikh Sampardaya which are subject-matter of these cases, entered into so far by the Mahant-cum-Mohtnims are prima facie declared to be acts of fraud and collusion, without any authority and are held to be detrimental to the interest of the respective Dera-cum-Religious Institution. Consequently, all such transactions are hereby declared null and void, having no binding effect on the concerned Dera-cum-Religious Institution subject to however, the right of the affected person to approach the Special Civil Court constituted hereinafter and to establish that the transaction in question was free from the above illustrated or any other fatal legal infirmity and further that such transaction was beneficial for the dera-cum-religious institution. The onus to prove that any of the transactions deserves to be validated, shall lie on the person who claims any right, interest or title through such transaction. Until such onus is discharged, the subject property shall stand mutated and continue to be owned by the dera-cum-religious institution free from all encumbrances."

14. An analysis of the arguments and the counter-arguments does point towards lies, cheating, unethical conduct, and all with malicious intent. Still, this Court cannot ignore that the bail petition was being delayed for years together, and even the opposite parties did not insist on an early decision, pointing out that all the parties were happy to delay the bail's decision. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; considering the continued interim protection, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, this Court is not considering the evidence at that stage but is analyzing it for the bail stage. Further, till the petitioners were granted interim protection, even the Police did not arrest the petitioners, and if they intended to arrest the petitioner, it was not impossible.

15. The petitioners were granted interim protection, and during the interregnum, there is no allegation that they had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioners' complying with the terms of the bail initial bail orders and terms and conditions of the bail bonds.

CRM-M-9169-2019 and other connected matters

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

17. **Petitions allowed.** Interim orders are made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.