

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

CRM-M-17971-2025 (O&M)

Reserved on: 07.04.2025

Pronounced on: 08.04.2025

Jang Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhimanyu Kalsy, Advocate
for the petitioner.

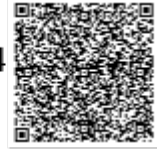
Mr. Sandeep Kumar, DAG, Punjab.

Ms. Gagan – Complainant in person.

HARPREET SINGH BRAR J. (Oral)

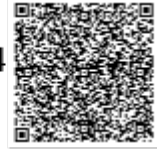
1. Prayer in this petition filed under Section 483 of the BNSS, 2023 (erstwhile Section 439 of Cr.P.C.), is for grant of regular bail to the petitioner in FIR No.155 dated 23.12.2023 registered under Sections 420, 465, 467, 468, 471, 447, 511 and 120-B IPC at Police Station Sarabha Nagar, District Police Commissionerate, Ludhiana.

2. As per the prosecution case, Dharamjit Singh, a resident of Model Town, Ludhiana, filed a complaint on 04.12.2023, against Sanjay Kumar Miglani and his wife Taruna for unlawfully seizing his property situated at Sunil Park, Barewal Road, Ludhiana. Dharamjit had purchased a Plot No.122, measuring 200 sq. yard from Jaswinder Singh Rai back in the year 2010 and the sale deed of the said property was registered on 03.03.2010 vide Vasika No.11515. All the paperwork was



in order, and the property's mutation was correctly recorded in his name, proving his rightful ownership. However, in the year 2023, Sanjay Kumar Miglani and Taruna claimed to own the same plot, and presented a sale deed executed in the month of January, 2023, which was based on a forged power of attorney. On enquiry, it was revealed that the power of attorney used by Sanjay Kumar Miglani and Taruna was a fake document, which was prepared by misusing an old 1994 power of attorney meant for other land transactions. This fraudulent document was used to execute the sale deed and get the property mutation transferred to Sanjay Kumar Miglani and his wife Taruna, even though Dharamjit was the legitimate owner. The inquiry, led by the Deputy Commissioner of Police, Ludhiana, uncovered a web of deceit involving several individuals, including property dealer Taranjit Singh Chawla, Ramandeep Singh, Lakhwinder Singh and others, who all played an active role in this fraudulent act. The forged documents were even registered before the Sub-Registrar, Ludhiana, and the mutation was sanctioned by the Patwari. Based on the above facts, the FIR (supra) was registered.

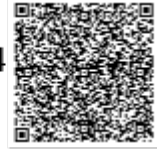
3. Learned counsel for the petitioner *inter alia* contends that the petitioner along with Kuldeep Singh has been falsely implicated in the FIR (supra) being the custodian of the record. The petitioner and Kuldeep Singh had worked as Record Keeper in the office of concerned Sub-Registrar, Ludhiana and the entire case of the prosecution is based upon documentary evidence. He further submits that the petitioner is not



the beneficiary of the alleged fraudulent sale deed and further, there is no legal evidence available against the petitioner that would remotely suggest that the petitioner has played any role in creation of the bogus documents. As a matter of fact, the petitioner has nothing to do with the alleged forgery of the document. He further submits that the identically placed co-accused of the petitioner namely Kuldeep Singh has already been granted the concession of regular bail vide order dated 29.11.2024, passed by this Court in CRM-M No.47610 of 2024 (Annexure P-11). He further submits that the petitioner remained as Record Keeper only for a short duration i.e. from September, 2021 to 14.07.2022. Lastly, he contends that the petitioner is not named in the FIR and he is in custody from the last 03 months and 28 days and the conclusion of the trial is likely to take some time.

4. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner was the custodian of the records and he has played an active role in placing the forged sale deeds on record and a detailed enquiry has already been conducted in this regard by Deputy Commissioner of Police (Investigation) Ludhiana and therefore, the complicity of the petitioner being the Record Keeper has been duly established.

5. On the other hand, the complainant, who is appearing in person, submits that the petitioner has played a crucial role in tampering with the records by inserting a fraudulent sale deed into the computerized data. The investigation revealed that the petitioner, in



collaboration with co-accused, deliberately manipulated the official records in order to facilitate the creation and registration of forged documents. Being the custodian of the records, the petitioner had a responsibility to maintain their integrity, but instead, he enabled the illegal transfer of the complainant's property through this conspiracy.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 03 months and 28 days. The case before the learned trial Court is pending adjudication for 15.04.2025, for hearing arguments on the application for discharge of accused persons namely Harwinder Singh, Taranjeet Singh Chawla, Sanjay Kumar Miglani and Taruna.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a



draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Jang Singh is ordered to be released on regular bail during pendency of the trial, on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

08.04.2025

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No