

CRM-M-20952-2025
Date of decision: 19.05.2025

Versus

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Sandeep Kumar, DAG, Punjab.

The present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.04
dated 27.02.2025 under Sections 318(4)/319(2)/336(2)/336(3)/338/340(2)/61(2)
of BNS, 2023 (wrongly mentioned as BNSS, 2023) added Section 81 read with
Section 34(3) and 82 of Registration Act, 1908, registered at Police Station
Economic Offences Wing, Vigilance Bureau, Ludhiana (Annexure P-1).

Succinctly, the facts of the case are that on 27.02.2025, Inspector Yogesh Kumar was present in the office of Vigilance Bureau, Economic Offence wing, Ludhiana, Punjab and it was found that on 21.02.2025, a surprise checking was conducted in the office of Sub-Registrar, Ludhiana (West) where Sub-Registrar, namely, Jagsir Singh Sran and Registration Clerk, namely, Krishan Gopal were present. Upon being asked about sale deed No.2024-25/101/1/20859 dated 11.02.2025, they disclosed that the said sale deed pertains to the property measuring 14 kanals situated in Village Noorpur Bet-2 purchased by Deepak Goyal resident of House No.508, Sector 9, Panchkula,

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from Deep Singh. Thereafter, it was also found that somebody impersonated in place of Deep Singh and executed registration of said sale deed and further, Varinder Singh Patwari, Halqa Noorpur Bet-2 issued Fard Girdawari on 07.02.2025 of the said property. The purchasing party Deepak Goyal through Advocate Rahul Kaushal through Staff Senti property ID 4473081 had taken an appointment for the said sale deed on 10.02.2025. At the time of registration of sale deed on 11.02.2025, in place of purchaser Deepak Goyal, one Amit Gaur appeared. The sale deed was drafted by an Advocate-Gurcharan Singh Marwaha. After registration of sale deed, it was received on behalf of purchaser by Amit Gaur from Registration Clerk. Baghel Singh, Nambardar, identified Deep Singh. Advocate, Gurcharan Singh Marwaha and Raghbir Singh also signed the sale deed as witnesses. After getting suspicious, Advocate Rahul Kaushal obtained original sale deed from Deepak Goyal and produced it before Registration Clerk for action by disclosing that the same was got executed and registered by fake Deep Singh. The registration clerk further produced it before Jagsir Singh, Sub Registrar, Ludhiana (West), for action. It was found that Sub-Registrar had certified fake Deep Singh as seller at Endorsement No.01 on the sale deed dated 11.02.2025. At Endorsement No.02 Sub Registrar had certified witnesses Sham Sunder and Baghel Singh, whereas, Sham Sunder was not present there nor he had signed the sale deed and nor his photograph is affixed on the same. In his place, Advocate Gurcharan Singh Marwaha and Raghbir Singh have signed and their photos are there. Nambardar Baghel Singh, Advocate Gurcharan Singh Marwaha and Raghbir Singh have certified fake Deep Singh and registration Clerk did not tally the witnesses and produced the sale deed for registration before Sub-Registrar with



different witnesses. Deepak Goyal or his representative Amit Gaur also did not raise any objection regarding registration of the sale deed with changed witnesses. It came to light that Sub-Registrar had certified fake Deep Singh and in place of Sham Sunder witness, in drafting, witness of other person were obtained whose names have not been mentioned in the draft of sale deed. A report was received from Tehsildar Ritu Gupta, Head Office, Vigilance Bureau, Mohali dated 21.02.2025 and as per technical and expert opinion, for the execution and registration of sale deed 2024-25/101/1/20859 dated 11.02.2025 by fake Deep Singh, witness Baghel Singh, Advocate Gurcharan Singh Marwaha, Raghbir Singh, Sub-Registrar Jagsir Singh, registration clerk and concerned computer operator have a role, besides the role of purchasers, Deepak Goyal and Amit Gaur. It was found that Jagsir Singh, Sub-Registrar, Ludhiana (West), registration clerk, Baghel Singh Nambardar, Advocate Gurcharan Singh Marwaha, Raghbir Singh, Deepak Goyal, Amit Gaur, fake Deep Singh and concerned computer operator of the office of Sub-Registrar, Ludhiana (West) have committed an offence punishable under Sections 318(4)/319(2)/336(2)/336(3)/338/340(2)/61(2) of BNS, 2023. It is further alleged that during investigation, role of Varinder Kumar Patwari and other persons will be considered and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The petitioner is not aware of any deal between the seller and the purchaser and he is an Advocate by profession and he merely involved as a marginal witness on the asking of Amit Gaur. Further, the petitioner has neither met the seller nor the purchaser



and he has never introduced either of them with each other. Moreover, no amount was exchanged in his presence, as such, he has not played any such role which would make him liable for the offence alleged in the FIR (*supra*) and lastly, the petitioner is not the beneficiary of the transaction. He is behind the bars since 01.03.2025.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the appointment was taken by the purchaser for execution of the sale deed through one Sham Sunder, Advocate. Further, the aforementioned person did not appear before the Sub-Registrar and instead the petitioner appeared and the property worth crore of rupees was purchased for Rs.30 lacs, as such, the complicity of the petitioner is duly proved. However, he could not controvert the fact that the petitioner is not involved in any other case.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. 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."

Having heard learned counsel for the parties and after perusing the

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record of the case, it transpires that the petitioner is behind the bars since 01.03.2025. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. 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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Gurcharan Singh, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

19.05.2025*Neha*

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