2025:PHHC:013952

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

319-3

CRM-M-32821-2024 (O&M)
Date of decision: 29.01.2025

Neha Arora **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Dinesh Trehan, Advocate
for the complainant. (Through VC)

MANISHA BATRA, J. *(Oral)*

1. This petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure *(for short 'the Code')* seeking grant of anticipatory bail in case bearing FIR No. 0003 dated 08.01.2024, registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Model Town, District Ludhiana.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by complainant Deepak Kathuria, who is owner of a restaurant in Ludhiana, on the allegations that accused Tarun Tanjea, Harwinder Singh Sachdeva and Parminder Singh Sachdeva, who are property dealers, as well as petitioner Harjinder Singh Kang had represented to his uncle Aniljit Singh and himself that one property bearing SCO No. 105, Urban Estate, Dugri, Ludhiana, which was owned by accused Mandeep Singh, was available for sale. The complainant and his uncle visited the property and

agreed to purchase the same after verifying the documents. The above named accused introduced the complainant with Mandeep Singh, who showed the complainant copies of allotment latter, clearance certificate and also represented that a registered sale deed dated 25.05.2017 with regard to said property had been executed in his favour. Accused Tarun Taneja, Harwinder Singh Sachdeva and Parminder Singh Sachdeva along with other property dealers like Upjit Singh and Naresh Kumar also convinced the complainant that all the documents relating to ownership of above said property had been checked and verified by them and the same were found to be in order. The complainant alleged that believing the representations made by them and on being introduced by them, his uncle and himself entered into an agreement to purchase the above said property with accused Mandeep Singh for a sum of Rs. 5.5 crores and paid an amount of Rs. 1.5 crore as earnest money to Mandeep Singh in the presence of accused Tarun Taneja, Harwinder Singh Sachdeva, Parminder Singh Sachdeva, Upjit Singh and Naresh Kumar.

3. As per the further allegations, the property dealers/accused even took the complainant and his uncle to the office of Greater Ludhiana Area Development Authority *(for short 'GLADA'),* where on their request, two computer operators, one of whom was Amit Kumar Tiwari, checked the documents and represented that the property sought to be purchased by the complainant was in fact owned by accused Mandeep Singh. Thereafter, a sale deed was got registered in favour of the complainant and his uncle by Mandeep Singh after receiving total sale consideration amount of 28.06.2022, which was attested by Tarun Tanjea, Naresh Kumar, Upjit Singh and Harwinder Singh Sachdeva. On asking of accused Harwinder Singh Sachdeva

and Upjit Singh, a transfer letter issued by GLADA in respect of the said property in the names of the complainant and his uncle had also been given by Amit Kumar Tiwari. It was further alleged by the complainant that in the year 2023, he came to know that the property so purchased by him and his uncle had in fact never been allotted and sold by GLADA to any other person and he also came to know that the accused persons, in connivance with each other, had prepared fake sale deed and other documents qua ownership of the said property in the name of Mandeep Singh and had sold the same to them, thereby causing wrongful loss to the tune of Rs. 5.5 crores. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, co-accused Upjit Singh was arrested on 01.02.2024. He suffered disclosure statement admitting his involvement in the subject crime and by saying that he in connivance with other co-accused had prepared fake documents qua aforesaid property. It was found from the perusal of the bank statement of co-accused Upjit Singh that out of the money received by him in the transaction, an amount of Rs. 1.5 Lakh had been transferred in the account of the present petitioner. On the basis of the same, she was also nominated as an accused in this case. She had moved an application before the Court of learned Additional Sessions Judge, Ludhiana for grant of anticipatory bail but the same had been dismissed, vide order dated 02.07.2024.

4. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. She was neither named in the FIR nor is a signatory/attesting witness to any of the documents, which are alleged to be forged by the co-accused and which were executed during transaction of sale of the aforesaid property. She has not received any amount

of money in the said transaction. An amount of Rs. 1.5 Lakh was transferred in her bank account in the month of December, 2021 from the account of co-accused Upjit Singh and it had nothing to do with the alleged sale of the said property in favour of the complainant and his uncle, which had in fact taken place in the year 2022 and sale qua which had been executed only in the month of June, 2022. It is submitted that simply because of the fact that her husband is a property dealer and being his wife, co-accused Upjit Singh, who is also a property dealer, had transferred the aforesaid amount of money in her bank account with regard to some other transaction. She cannot be connected with the offences committed in this case. She is ready to join the investigation. No recovery is to be effected from her. Her custodial interrogation is not required. No useful purpose would be served by detaining her into custody. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has have been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab, assisted by learned counsel for the complainant, has vehemently argued that the allegations against the petitioner are serious in nature. She in connivance with other co-accused had caused wrongful loss to the complainant and his uncle. She had even received an amount of Rs. 1.5 Lakh in her bank account from co-accused Upjit Singh. Her custodial interrogation is required for conducting thorough investigation in the matter. Hence, it is urged that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

7. As per the allegations, an amount of Rs. 1.5 Lakh had been transferred in the bank account of the present petitioner from the bank account of co-accused Upjit Singh, who along with other co-accused is alleged to have hatched a conspiracy to deprive the complainant and his uncle of a huge amount of money by inducing him to sell aforesaid property and who sold this property to the victims on the basis of false and fabricated documents. The petitioner was not named in the FIR. There is no specific allegation that there was any inducement on her part to the victims to part with any amount of money or she along with co-accused had represented to the victims that accused Mandeep Singh was the owner of the said property. It is the claim of the petitioner that the said amount of money received by her from co-accused Upjit Singh was with regard to some other transaction as her husband and said co-accused were dealing in properties and in fact, it was received in the year 2021, i.e. much before the sale deed being executed and the sale consideration being received from the victims. This claim of the petitioner has not been controverted either by learned State counsel or by learned counsel for the complainant. It is, therefore, a question of debate as to whether the amount of Rs. 1.5 Lakh, transferred in her bank account was part of the amount of money received from the complainant by deceiving him? In view of these circumstances, I am of the considered opinion that the custodial interrogation of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS, which is pari material with Section 438(2) of the Code. She is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event

of her arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

29.01.2025 **(MANISHA BATRA)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*