2025:PHHC:032511

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

CRM M-34976 of 2024 (O&M)
Date of Decision: 24.02.2025

Harpreet Singh ...Petitioners

Versus

State of Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Aayush Gupta, Advocate with
Mr. Ashish Soi, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Ms. Ravisha Mahajan, Advocate
for respondent No. 2.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the BNSS with a prayer to grant anticipatory bail to him in case FIR No.99 dated 01.07.2024 (Annexure P-1) registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Salem Tabri, Ludhiana.

2. The FIR in the present case was registered on the basis of the complaint filed by Navneet Gupta, respondent No. 2 and the relevant extract of the FIR has been reproduced below:-

> *"Today one letter No. 206-5A dated 15.6.2024 received PGD No. 340359/339319 dated 26.04.2024 by Navneet*

Gupta s/o Krishan Gupta r/o H. No. 125-B Kitchlu Nagar, Ludhiana against Harpreet Singh s/o Amarjeet Singh r/o H. No. 3552/2, Cheema Park, Model Gram, Ludhiana and Harsh Trehan s/o Ravi Kant r/o H No. 402 Ahluwalia street Millerganj, Ludhiana, Inder Veer Singh s/o Mahindder Singh r/o H. No. 155-D BRS Nagar Ludhiana, Kulwant Singh s/o Dev Singh r/o H. No. 54, Street No.3, Mandeep Nagar Haibowal Khurd Ludhiana, for registering a case against them received from the office of Commissioner of Police Ludhiana and the PGD No. 340359/339319 dated 26.04.2023 and the complainant's previous complaint CR 2370097 dated 14.06.2022 has also been attached.

To the C.P.

Sub- Complaint as against 1. Harpreet Singh (Mob. 84278-16615), 2 Gagandeep Kaur (98884 97902) 3. Kulwant Singh 98143 80062 and 4. Harsh Trehan (97803 63316), 5 Abdul r/o H No. 3552/3, Cheema Park, Model Gram Ludhiana have acted in connivance with each other and have duped the complainant by doing 420, for giving threats to implicate me in a false case.

Sir, I am Navneet Gupta s/o Krishan Gupta r/o H No. 125-B Kitchlu Nagar, Ludhiana and I hereby request as follows-

1. That I am a peace loving citizen of this country

2. That in regards to the subject matter I have to obtain a sum of Rs. 50,00,000 which was in regards to the trade, which Harpreet Singh could not give in time and then he said that he has a plot rakba measuring 1387.5 Sq. Yards *at the Jalandhar Bypass road, so he said that he cannot get a loan on this property for some reason, he would get the registry of the plot done and will also get the loan sanctioned, the total value of the plot is 5 crore rupees and by getting the loan in my favor, he would also adjust the amount which is due towards me, and that the responsibility in regards to paying the instalments is also upon Harpreet Singh.*

3. That the accused No. 1 and accused No. 2 and 5 act in connivance and get the loan work done through 3 and 4, they showed the plot, gave documents and got the loan and even got the registry done of vasikha No.2021-22/101/1/18765 dated 31.03.2022 Sub Registrar Ludhiana and they deposited the tax also before the Municipal Corporation Ludhiana, all those copies are attached.

4.That it is also noteworthy here that accused No.1 had given a statement in regards to Khasra No. 15//19/2/2, 17//4/4, 5/1/1, 17//5/1/4, 6/2/3, 7/3, Khata No. 57/59 Khatauni No. 62/64 of Khasra No. is 10//2/3 Jamabandi year 1984-85 was given and it was written that there is no dispute pending with the property and nor is there any court case, he is the owner through sale deed vasika No. 5890 dated 24.06.1987, that copy is also attached and he got the loan amount of Rs. 2,50,00,000/- IDFC Bank, Feroz Gandhi Market, Ludhiana, it is noteworthy here that the officials got their satisfaction and checked all the documents and that loan was given to me by saying that Harpreet Singh has given these documents, these are correct and they are absolutely genuine and that's why the bank is giving loan and upon getting the *loan Harpreet Singh took sum of Rs. 2,00,00,000/- from me and the sum of 50,00,000 which I had to take from him, were adjusted.*

5. That when I installed my own board on the premises, then some other person started claiming ownership of the property, I was left shell shocked, so thereafter I did inquiry at my own level and traced out that accused No.1 acted in connivance with the other co accused, prepared fake documents and then got the loan from bank by misleading them, then got the registration done, then the T.S., then got my money also adjusted and also got huge amount of 2.5 crore rupees and left such huge amount of loan on my name but later it was found that property belongs to someone else. Sir, this is well planned conspiracy by these people, they showed me the property, got the loan also sanctioned on their own and never showed any document of the property previously and later on I came to know that they have done so with the intention of cheating and when I talked to these people about it, these people gave me threats and said that you keep quiet and keep paying the instalments as otherwise we will get a false case registered against you through bank, so I am so upset mentally from a long time that anything can happen to me and in future if anything happens to me then these people will be responsible. A case against them for acting in connivance and cheating be lodged."

3. Learned counsel for the petitioner contends that the complainant/respondent No. 2 got the present FIR registered against the petitioner by alleging that the petitioner owed an amount of Rs. 50

lacs to the complainant and the petitioner was unable to pay back. Accordingly, the petitioner offered him that he was the owner of a plot measuring 1387.50 square yards, which he could transfer to the respondent No.2/complainant and the respondent No. 2 could get a loan over the said property and after retaining an amount of Rs.50 lacs, rest of the amount may be paid back to the petitioner. Even, the petitioner would continue to pay the installments of the said loan amount. The petitioner in connivance with other co-accused got the loan from the bank in the name of the complainant and out of loan amount of Rs. 2.50 crores, the petitioner had taken an amount of Rs.2 crores from the complainant. It was also alleged that when the respondent No. 2 installed a board on the premises, some other person claimed the ownership of the property. Consequently, it was alleged that the petitioner alongwith other co-accused had prepared fake documents and got the loan from the bank with the intention of cheat the complainant. In fact, the petitioner had approached this Court, for quashing of the FIR and notice of motion has already been issued in the said petition. Learned counsel further contends that even the petitioner has filed a civil suit for declaration against respondent No. 2 with a prayer that the sale deed dated 31.03.2022 executed by the petitioner in favour of respondent No. 2 is a void transaction. Apart from that, even the complainant had also filed a civil suit against the petitioner and the bank, wherein, the bank filed an application under Order 7 Rule 11 CPC and the trial Court had rejected the plaint. He further contends that with regard to same cause of action, one more FIR bearing No. 25 dated 07.02.2024 under Sections 420, 465, 467, 468, 471, 447 and 120-B IPC, Police Station Salem Tabri (Annexure P-4) has already been registered, wherein, the petitioner had been granted the concession of interim anticipatory bail. Still further, one more civil suit (Annexure P-10) had been filed by Ripan Jain and Vivek Jain being the partners in M/S P.H. Jain Hoisery against the petitioner and the complainant with a prayer to seek declaration regarding the property in question. Learned counsel further contends that the respondent No. 2 had received an amount of Rs.2.50 crores in his loan account and out of the amount of Rs. 2 crores, the complainant had the FDR of Rs. 2 crores with him. Even, the petitioner had not received any amount as a sale consideration and no offence is made out against the petitioner. Even, the case is based on documentary evidence and the petitioner deserves the concession of anticipatory bail.

4. On the other hand, pursuant to the notice issued by this Court, different status reports have been filed by the State of Punjab. Learned State counsel has vehemently argued that on receipt of complaint of respondent No. 2, inquiry was conducted by the Additional Deputy Commissioner of Police, Zone-1, ACP-North and SHO, Police Station Salem Tabri, Ludhiana and during the inquiry, the entire relevant record was summoned. All the documents,

evidences and statements were thoroughly and minutely scrutinized and it was found that the claim of the petitioner was based on the basis of the forged and fabricated documents. It was also found during the inquiry that the petitioner had entered into a compromise with the respondent No. 2 and as per the compromise, the petitioner had to pay a sum of Rs. 55 lacs. The petitioner stated that he was owner in possession of a plot measuring 1387-50 square yards in view of the registered sale deed bearing Vasika No. 5890 dated 24.06.1987 and further stated that his CIBIL score was not good and as such the respondent No. 2/complainant should obtain loan on the property of the petitioner. After deducting the amount of Rs.55 lacs from the loan amount, the respondent No. 2/complainant should return the remaining amount to the petitioner and further stated that his friend Harsh Tehran and Kulwant Singh would first get the loan sanctioned from IDFC First Bank, Ludhiana. On 31.03.2022, the petitioner executed the sale deed in favour of respondent No. 2 and the complainant after deducting this amount of Rs. 55 lacs, paid Rs. 2,15,50,000/- to the petitioner and the petitioner also gave an affidavit dated 25.05.2022 in that regard. However, after taking the possession of the property, the respondent No. 2 affixed his board and then Ripan Jain came there and claimed himself to be the owner of the property. He also showed his ownership documents to respondent No. 2. Further, during the course of inquiry, it was also found that the claim of the petitioner was based on registered sale deed bearing

Vasika No. 5890 dated 24.06.1987, on the basis of which, the petitioner claimed himself to the owner of the property and had executed the sale deed dated 31.03.2022 in favour of the complainant and the said registered sale deed, which is the basis of the case of the petitioner, was declared to be fake by SDM, Ludhiana (West). Still further, even the petitioner was aware of the fact that the registered sale deed bearing Vasika No. 5890 dated 24.06.1987 was forged and fabricated. In fact, the legal team of bank had also sent an e-mail stating that the sale deed in favour of the petitioner was suspicious and the loan was got sanctioned by the petitioner on the basis of forged and fabricated documents. Apart from that, even the detailed report was prepared by the Office of SDM (East), Ludhiana, as well as SDM, Payal, Ludhiana, and the registered sale deed bearing Vasika No. 5890 dated 24.06.1987 was found to be forged and fabricated.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner had claimed himself to be the owner in possession of the plot in question on the basis of the registered sale deed bearing Vasika No. 5890 dated 24.06.1987. As per the case set up by the prosecution, he was aware of the fact that the said document was forged and fabricated and he approached the respondent No. 2 and persuaded him to obtain the loan in his own name, by mortgaging the said plot. Consequently, the petitioner

transferred the plot in favour of respondent No.2/complainant on 31.03.2022 and the respondent No. 2 had taken the loan of Rs.2.50 crores on the said plot. Out of the total amount of Rs. 2.50 crores paid by the bank as loan, the respondent No. 2/complainant had taken his Rs. 55 lacs and a sum of Rs. 2,15,50,000/- was paid to the petitioner in cash. However, when the complainant/respondent No. 2 went there, he came to know that Ripan Jain was the owner of the said property and the complainant had been cheated to the tune of Rs. 2.50 crores.

7. During the course of hearing before this Court, two reports were obtained, i.e., from SDM, (East) Ludhiana, as well as SDM, Payal, Ludhiana, and it was found that sale deed bearing Vasika No. 5890 dated 24.06.1987, which was the basis of the claim of the petitioner was found to be forged and fabricated document. Thus, this Court is of the *prima facie* view that the petitioner cheated the complainant to the tune of Rs. 2.50 crores. Keeping in view the gravity of the allegations levelled against the petitioner, the petitioner is not entitled to the discretionary relief of anticipatory bail.

8. Moreover, during the course of investigation, it has been found that the sale deed bearing Vasika No. 5890 dated 24.06.1987 was forged and fabricated by the petitioner and the custodial interrogation of the petitioner is required to know the names of his accomplices and the petition deserves to be dismissed by this Court.

9. Dismissed.

10. The above observations have been made only for the limited purpose of disposal of the bail application and shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the trial on the strength of the evidence led before the Court.

11. All pending applications, if any, are disposed off, accordingly.

24.02.2025 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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