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

319-7

**CRM-M-35502-2024 (O&M)
Date of decision: 29.01.2025**

Manjeet Singh @ Jassa**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

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

Ms. Himani Arora, AAG, Punjab.

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

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 439 of the Code of Criminal Procedure seeking grant of regular 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. The first petition, bearing **CRM-M-15586-2024**, was dismissed as withdrawn on 21.05.2024.

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,

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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 on 28.06.2022, which was attested by Tarun Tanjea, Naresh Kumar, Upjit Singh and

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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 Mandeep Singh was arrested on 04.02.2024. He suffered disclosure statement admitting his involvement in the subject crime and also disclosed that when the factum of preparing fake documents by him and other co-accused came to the knowledge of the present petitioner and Harjinder Singh Kang, then they forcibly got signed a general power of attorney by him. On the basis of the same, the petitioner was also nominated in this case as an accused and was arrested on 08.02.2024. He had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Ludhiana but the same had been dismissed, vide order dated 05.06.2024.

4. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He 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

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transaction of sale of the aforesaid property. He has not received any amount of money in the said transaction. The only allegation against him is that he along with co-accused Harjinder Singh Kang had got signed a general power of attorney from co-accused Mandeep Singh. Investigation has since been completed and challan has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 08.02.2024. No useful purpose would be served by keeping him in custody anymore as his custodial interrogation is no more required. 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 argued that there are serious allegations against the petitioner, who hatched a conspiracy with co-accused and in pursuance of the said conspiracy, fake and forged documents regarding allotment of the said property had been prepared and on the basis of those fake documents, the complainant was induced to purchase the said property for a huge amount of money. A sale deed on the basis of the fake documents was prepared in the name of the complainant and his uncle, thereby cheating and defrauding them. The allegations against the petitioner are that he along with co-accused Harjinder Singh Kang had got signed a general power of attorney from co-accused Mandeep Singh in favour of Harjinder Singh Kang regarding property bearing SCO No. 106 in Urban Estate, Dugri, Ludhiana. The petitioner, if released on bail, can abscond or intimidate the witnesses. 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.

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7. As per the allegations, the petitioner and co-accused Harjinder Singh Kang had forcibly got signed a general power of attorney by co-accused Mandeep Singh in favour of Harjinder Singh Kang. A perusal of the contents of the FIR reveals that he is not named in the same. His name has surfaced in the disclosure statement suffered by co-accused Mandeep Singh. There is no specific allegation that there was any inducement on his part to the victims to part with any amount of money or he along with co-accused had represented to the victims that accused Mandeep Singh was the owner of the said property. It is also not the case of the prosecution that he had received any amount of money from the sale consideration fraudulently received from the complainant and his uncle. Investigation has since been completed and challan has been filed. The petitioner is in custody since 08.02.2024. Conclusion of trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. 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

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No