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

271 **CRM-M-48407-2025 (O&M)
Date of Decision : 11.11.2025**

JARNAIL SINGH BAJWA .... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER .... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present : Mr. Nikhil Ghai, Advocate
for the petitioner.

Mr. Animesh Sharma, Addl. A.G., Punjab.

****

SUBHAS MEHLA, J. (Oral)

1. This is the third petition filed under Section 483 BNSS, 2023 seeking regular bail in case bearing FIR No.28 dated 29.07.2024, under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Punjab State Crime, District SAS Nagar, Mohali.

2. The case of the prosecution is that the complainant-Sucha Singh was the owner of 16 kanal, 02 marla of land in Village Hassanpur, District SAS Nagar (Mohali) and the petitioner for development of a project on the said land, had furnished a fake consent letter of the complainant to the authorities concerned. In the year 2016, M/s Bajwa Developers Ltd sought approval for their mega project named Sunny Enclave Village Jandpur, Sihanpur, Hassanpur, Sector 122, 123, 124, 125 from GMADA. The project was approved by GMADA. The officials of GMADA approved the project

in his land without his consent. GMADA officials illegally approved Shamlat land measuring 3.426 acres of Village Shinpur, reserved for E.W.S. flats in this mega project which was *shamlat* land. So there was a conspiracy between M/s Bajwa Developers Pvt. Ltd., Chief Town Planner, GMADA and other officials of GMADA. Inquiry was conducted by Inspector Jasvir Kaur, Vigilance Bureau who observed that Sucha Singh has entered into an agreement to sell of land measuring 2 acres and 2 marlas situated in Village Hassanpur with M/s Bajwa Developers Pvt. Ltd. On 18.05.2015, the petitioner got executed sale deed of 1 acre and 1 marla from the complainant but since the entire payment was not made as per the agreement to sell, the complainant had filed a civil suit in which stay was granted. As per agreement to sell dated 18.05.2015, the sale deed of the remaining land was yet to be registered. In the year 2016, M/s Bajwa Developers Pvt. Ltd. started their project in Sunny Enclave, Sector 122, 123, 124, 125 for which they got approval from GMADA for acquiring the land of Village Hassanpur, Jandpur, Shihnpur. On 06.04.2016 when M/s Bajwa Developers Pvt. Ltd. had applied for approval with GMADA and they had annexed the consent letters of the persons with whom they had entered into agreements to sell. M/s Bajwa Developers Pvt. Ltd. submitted a forged consent letter of the complainant-Sucha Singh regarding his land measuring 01 acre & 01 marla despite that no sale deed of said land was not executed in their favour. During inquiry it was found that the stamp of the stamp vendors and register number, date were forged. Advocate Manbir Singh Notary Public has also stated that he had attested the said stamp papers at the instance of employees of the petitioner-Jarnail Singh Bajwa namely Deepak, Sukhjit and Shampy as they were known to him. The stamp papers were allegedly sold on 15.10.2010 while the agreement to sell was executed on 18.05.2015.

3. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case by the complainant just to extort money from him by giving the colors of a civil dispute to a criminal dispute. He further contended that the complainant had voluntarily given consent in the year 2010; the petitioner's company developed roads/ sewerage on land and the complainant himself entered into agreement to sell in 2015. He further contended that the petitioner showed his *bona fide* by offering to pay balance with interest. He also contended that the petitioner had already settled several disputes and multiple FIRs against him were quashed on the basis of compromise and has also been granted regular bail in other FIRs of similar nature. In order to support his contentions, learned counsel for the petitioner has placed reliance on the judgment of Hon'ble the Supreme Court of India in case titled as **"Sanjay Chandra Vs. Central Bureau of Investigation" (2012) 1 Supreme Court Cases 40;** "**SubheLal @ Sushil Sahu Vs. State of Chhattisgarh", (2025) 5 Supreme Court Cases 140** and **"Maulana Mohammed Amir Rashadi Vs. State of Uttar Pradesh and Another", (2012) 2 Supreme Court Cases 382**. He contended that investigation in the present case is complete, final report under Section 193 of BNSS has already been filed on 31.12.2024, charges have been framed on 04.03.2025. Accordingly, prayer has been made for grant of regular bail.

4. It is also contended that the petitioner is in custody for the last 01 year 02 months and the offences are triable by Judicial Magistrate 1st Class and as per provisions of Section 437(6), BNSS, the trial is to be concluded within a period of 60 days after framing of charge and in this case, the charges were framed on 04.03.2025 and the FIR in the present case has been registered after an inordinate delay of 08 years. It is further contended that the petitioner has settled several cases with the complainants and their respective FIRs have been quashed on the basis of compromise and prayed for grant of regular bail as the trial is not proceeding.

5. On the other hand, learned counsel for the complainant contended that the present petitioner is a habitual offender and as more than 100 cases are pending against him as he has duped many persons. Even an FIR under the Prevention of Money-Laundering Act, 2002 (PML Act) is pending against him and numerous cases under Section 138 of Negotiable Instruments Act on account of dishonour of cheques and under Section 420 IPC are pending against the petitioner. The petitioner has even been convicted in one of the case and has also filed the list regarding the complaints pending before the Consumer Forum against the petitioner. He further contended that the complainant entered into an agreement to sell 16 kanals, 02 marlas and out of the said 16 kanals, 02 marlas, only sale deed of 08 kanals, 01 marla has been executed and even the sale proceed of that land has not been received and the cheque issued by the petitioner has been dishonoured. It is further contended that the petitioner has obtained a change of land use by forgery of consent of the complainant from the concerned

Department i.e. Greater Mohali Area Development Authority (GMADA) by forging his signatures and without the title of the land in his name i.e. he has not executed the sale deed of remaining 08 kanals 01 marla and he further sold that land to some other persons and placed on record the sale deed pertaining to numbers of that land which has not been transferred in favour of the petitioner. Learned counsel further contended that the petitioner has sold land on fabricated documents and a charge under Section 467 IPC is framed and the punishment for violation of said provision is life imprisonment as provided under the law**. He also contended that a Magistrate can transfer the case to Chief Judicial Magistrate for higher punishment**, so his 1 year custody cannot be taken into consideration while considering this petition, keeping in view his act and conduct and nature of offences and prayed for dismissal of petition in hand.

6. Learned counsel for the State by way of filing of custody certificate dated 11.11.2025 vehemently opposes the grant of bail to the petitioner and contended that as per custody certificate the petitioner is a habitual offender and is involved in multiple cases of similar nature and also contended that in the present case, the examination-in-chief of the complainant has been recorded. It is also contended that since the petitioner is an influential person, if released on bail, will tamper with the prosecution evidence and trial is being delayed keeping in view the conduct on the part of the petitioner by his tactics on the medical grounds and further by getting admitted himself in the Hospital on one pretext or the other. He further submitted that since the agreement to sell pertains to the year 2015 whereas

the consent letter is of the year 2010. He further submitted that even 28 cheques issued by the petitioner as sale consideration amount at the time of execution of sale deed of the remaining land measuring 08 kanal 01 marla were dishonoured and the complainant had to file complaints under Section 138 of Negotiable Instruments Act against the petitioner. He also pointed out that earlier bail application of the present petitioner in the present FIR, was dismissed as withdrawn vide order dated 13.05.2025 passed in CRM-M-3988-2025 as the Court was not inclined to grant him bail and thus prayed for dismissal of bail..

7. Heard.

8. This Court has duly considered the contentions raised by learned counsel for the parties. Allegations against the petitioner are that he entered into an agreement to sell regarding the land measuring 16 kanals 02 marlas and sale deed of 08 kanals 01 marla has been executed; he issued the cheque for the sale proceeds which were dishonoured and complaints under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner are pending; it is also the allegation against him that he obtained a Change of Land Use (CLU) for the whole land in question by forging the documents i.e. consent letter and further raised funds on that land and the complaint in that regard is also pending against him. Several complaints are pending against him in different Courts and in one case, he has already been convicted; the examination-in-chief of the complainant has already been recorded and apprehension of learned counsel for the State is that if he is released on bail he will tamper with the prosecution evidence. Charge

against the petitioner is framed under Section 467 of IPC i.e. forging of valuable securities and life imprisonment is provided as per law, so the contention regarding custody of more than 01 year, is devoid of merit. Petitioner is involved in multiple cases of cheating as several FIRs are pending against him in different Courts of law. As the present case falls under a special category of economic offences which affect the socio-economic condition of the country; such like case proceeds of crimes are larger and offenders are influential persons, ergo while granting the concession of bail in such cases financial sound condition of the perpetrators, especially with regard to the proceeds of the crime obtained, should be kept in mind which causes more prone situation for influencing witnesses and other evidences. Further, grant of bail in a case where funds of number of people have been siphoned is further likely to have an adverse impact not only in the progress of the case, but also on the trust reposed by the society in the criminal justice system. Taking into account the antecedents of the present petitioner, the petitioner allegedly allured general public from which he collected money on the pretext of providing plots and houses and cheques given by him in lieu of land, have also been dishonoured, the petitioner does not deserve the concession of discretionary relief.

9. Moreover, Hon'ble Apex Court has observed in **"Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation [2013 AIR Supreme Court 1933]",**

> *"...15. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The*

economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

16. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests similar considerations."

10. Keeping in view the allegations against the petitioner and his antecedents, this Court does not find merit in the submissions so made by learned counsel for the petitioner and hence the present petition deserves to be **dismissed**. However, the trial Court is directed to make efforts to expedite the trial expeditiously.

11. Pending applications, if any, also stand disposed of.

(SUBHAS MEHLA)
JUDGE

11.11.2025
Sonia Puri

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No