

2025:PHHC:063312



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-52651-2024

Date of decision: May 13, 2025

KULWINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. A.P.S. Shergill, Advocate
Ms. Navkiran Bajwa, Advocate
Ms. Shagun Goyal, Advocate
Mr. Robin Bawa, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.57 dated 12.06.2024 under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station I.T. City, District SAS Nagar (Annexure P-1).

2. Learned counsel for the petitioner submits that in a magisterial trial, the petitioner has been in custody since 05.07.2024. Learned counsel has asserted that totally false and fabricated allegations have been levelled against the petitioner of indulging in sale of immovable properties belonging to NRIs by introducing some impersonators. Learned counsel has further submitted that investigation in the present case is complete as challan stands presented and even charges have been framed, however, none of the 13 prosecution witnesses have been examined so far, hence, the possibility of



the trial concluding in the near future does not arise. It has also been urged that since the entire case of the prosecution hinges on documentary evidence, in case the petitioner is enlarged on bail, there can be no apprehension that he would in any manner tamper with evidence.

3. *Per contra*, learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder: -

“Complainant Harjit Singh from complaint No.2674/Pesi/S.S.P./ dated 29.08.2022, Hon'ble S.S.P. District SAS Nagar has been given dasti which is as under To, Hon'ble S.S.P. District SAS Nagar Subject: Regarding taking legal action against preparing forged and fabricated documents and trying to sell the land. Sir it is requested that 1. Complainant Harjit Singh S/o Jangsher Singh is resident of Village Kotla PO Kheri Nodh Singh Fatehgarh Sahib, Fatehgarh Sahib Punjab. Complainant is having land in possession at village Kurdi (274) Tehsil and District SAS Nagar Mohali Khasra Nos. 11962/211/1(4517), 11962/211/1(02) Kitta 02 total 4519 and out of total land complainant is owner of 411.919 share. 2. That from the last about 20 years complainant is residing at Italy Passport No. of the complainant is 7722359. Now from few days back complainant has come to India and came to know that some unknown persons with connivance with each other has forged and fabricated Adhar Card and tried to sell his land on the basis of forged adhar card. In case I would have not come in India then these unknown persons would have sold his land. After coming here when I verified at my own then came to



got duplicate adhar card No.673224650629 on my name whereas my actual Aadhar Number is 339359028707 and there can be always only one adhar number of one person. 3. It is clear from this that a group of land mafia has prepared in connivance with each other has prepared fabricated Aadhar card and tried to sell my land. When I inquired at my own then came to know that there is conspiracy of certain persons of Rurki and other persons of Mohali.4. The proper investigation is required to be made of this entire case to bring out the truth, because this land mafia would have cheated number of persons like me. Thus it is requested to investigate and the culprit be punished as per law and I should be imparted justice. Thanking You.”

4. Learned State counsel has filed reply by way of affidavit of the Deputy Superintendent of Police, City-2, SAS Nagar as well as that of the Superintendent, Central Jail, Patiala on behalf of the respondent-State in the Court today, which is taken on record. It has been reiterated by the learned State counsel that the petitioner is a member of a gang indulging in the sale of properties/lands of NRIs by introducing some impersonators; it is not the first time that the petitioner has been booked in a case of identical nature as it is a matter of record that he is already booked in 3 other criminal cases, which stands reflected in the custody certificate of the petitioner filed in the Court today. However, learned State counsel, on instructions, has not been able to controvert that the entire case of the prosecution is based on documentary evidence, which is all part of the chargesheet.



5. I have heard learned counsel for the parties and perused the relevant material placed on record.
6. The possibility of the trial concluding in the near future looks bleak as the next date fixed before the learned trial Court is 06.06.2025, when the prosecution evidence is likely to commence. In a case triable by the Magistrate, the petitioner has been in custody since 05.07.2024, therefore, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner.
7. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 13, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*