



223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54232-2024

Date of Decision: 15.01.2025

PUNEET LUDHRA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

Mr. Ankur Bansal, Advocate
for the complainant.

SANDEEP MOUDGIL, J. (Oral)

1. **Relief Sought**

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in case FIR No. 241 dated 07.10.2024 under Sections 420, 177, 193, 195 of IPC, registered at Police Station Navi Baradari, Police Commissionerate Jalandhar, District Jalandhar.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

The Commissioner of Police, Jalandhar. Subject Application for registration of FIR under Sections 420, 465, 466, 467, 468, 471, 120- B IPC against Puneet Ludhra son of Gulshan Ludhra, Gulshan Ludhra son of Lt. Satpal, Naina Ludhra wife of Puneet Ludhra all residents of H. No. 657 Dilbagh Nagar Extension Basti Gujan District Jalandhar and revenue officials who in connivance with said persons have entered forged and fabricated mutation on the basis of forged and fabricated documents.



Sir I, Pooja Ludhra aged 44 years widow of Lt. Manish Ludhra resident of H. No. 657 Dilbagh Nagar Extension Basti Gujan District Jalandhar hereby request you to kindly register FIR under Sections 420, 465, 466, 467, 468, 471, 120-B IPC against Puneet Ludhra son of Gulshan Ludhra, Gulshan Ludhra son of Lt. Satpal, Naina Ludhra wife of Puneet Ludhra all residents of H. No. 657 Dilbagh Nagar Extension Basti Gujan District Jalandhar and revenue officials who in connivance with said persons have entered forged and fabricated mutation on the basis of forged and fabricated documents: 1. The complainant was married to Manish Ludhra on 02.04.2001. From the said loins, I am having three children namely Anjali Ludhra, Harshita Ludhra and Keshav Ludhra. After marriage I along with my husband and children started residing in House no. 657 Dilbagh Nagar Extension Basti Gujan District Jalandhar and same is my matrimonial home. Till date I am residing in the said house. Veena Ludhra was my mother-in-law, Gulshan Ludhra is my father-in-law, Puneet Lodhire to my brother-in-law and Nainos Lodhra is my sister-in-law. I am residing on the ground floor of the house and accused Puneet Lodhra, Gulshan Ludhra and Naina Lodhra are residing on 1 floor of the suit house. 2. The house was owned by Veena Ludhra on the basis of regd. sale deed dated 11.05.1998 registered on 15.05.1998. Veena Ludhra during her lifetime executed a valid will dated 30.05.2016 in her sound disposing mind bequeathing the house in equal shares in favor of her two sons namely Manish Ludhra and Puneet Ludhra in equal shares. Manish Ludhra died on 01.08.2020. Veena Ludhra died on 07.06.2022. After the death of Veena Ludhra the house has devolved upon me and my children being legal heirs of deceased Manish Ludhra to the extent of $\frac{1}{2}$ share (i.e. share of deceased Manish Ludhra) and other $\frac{1}{2}$ share has devolved upon Puneet Ludhra. 3. That soon after the death of deceased Veena Ludhra, accused persons became greedy and they started interfering into the portion of the house in which I am living with my children. owned and possess by me on the basis of will date 30.05.2016. The accused persons in order to harass me started interfering into my possession on the ground floor of the suit house where I am living and keeping our abode. Accused started used filthy and unruly language against me and my children so that I should leave the matrimonial home and should forego my claim over the house as well as other properties. 4. That accused persons Puneet Ludhra, Gulshan Ludhra and Naina Ludhra in connivance with the revenue officials in order to lay false claim over the H. No. 657



Dilbagh Nagar Extension Basti Cipan District Jalandhar got its mutation entered in favor of Punset Ludhrs on the basis of will dated 22.03.2019 said to be executed by Veena Ludhra. At the time of entering the mutation, accused Puneet Lodhra gave a forged and fabricated affidavit to the revenue authorities stating Manish Lodhra (my husband) to be alive. Intentionally wrong affidavit is given by accused persons in connivance with the authorities only to lay false claim over the property. Accused gave the said affidavit to the revenue officials of the department and they in connivance with the revenue officials in order to usurp my share in the house managed to get the mutation entered in the name of Puneet Ludhra. 5. That accused persons fully knew that my husband Manish Ludhra had died on 01.08.2020 but they intentionally gave forged and fabricated affidavit dated 12.09.2022 to the authorities showing my husband Manish Ludhra to be alive. This is clear case of fraud. Also, accused persons knew that Veena Ludhra had already executed will dated 30.05.2016 in favor of his two sons in respect of the house and other properties owned by her but they managed to get the mutation entered in the name of Puneet Ludhra on the basis of forged documents and forged affidavit by concealing the said will dated 30.05.2016. 6. That in the affidavit dated 12.09.2022 given by accused Puneet Ludhra it is also mentioned by him that he shall be responsible for his act if any other legal heir of Veena Ludhra comes forward or any other will is found to be executed by Veena Ludhra. 7. That above said act of fraud is apparent from the record that accused persons managed to get the mutation entered without any notice to the complainant at her back on the basis of forged documents. The affidavit dated 12.09.2022 of Puneet Ludhra is clear cut fraud played by the accused persons in connivance with the revenue authorities to cause harm to me. My husband had already expired on 01.08.2020 and affidavit is dated 12.09.2022 showing my husband to be alive. My names in the affidavit as legal heir of Manish Lodhra are concealed by Puneet Ludhra. Wrong pedigree table is prepared by the revenue official without showing my name and name of my children in the same as legal heir of Manish Lodhra and revenue official had shown Manish Ludhra to be alive in the pedigree table. This all is fraud played by the accused persons in connivance with revenue officials to cause harm to me. 8. That serious fraud is played by accused Puneet Ludhra son of Gulshan Ludhra, Gulshan Ludhra son of Lt. Satpal, Naina Ludhra wife of Puneet Ludhra all residents of H. No. 657 Dilbagh Nagar Extension Basti



Gujan District Jalandhar and Revenue officials who in connivance with said persons have entered forged and fabricated mutation on the basis of forged and fabricated documents. FIR may kindly be registered against the accused persons and justice be given to me. SD/- Pooja Ludhra age 44 years widow of Lt. Manish Ludhra resident of H. No. 657 Dilbagh Nagar Extension Basti Gujan District Jalandhar. 9815343682. On this, the respected Commissioner of Police has written, "ACP/secy verify & report" SD/- Commissioner of Police Jalandhar. On this, the above complaint was enquired by Gagandeep Singh PPS. Assistant Commissioner of Police, Security who in the conclusion of his report has written "During the enquiry of the compliant, on perusal of the statement of complainant Pooja Landhris and statements of the opposite party and stateersents obtained from the revenue department and documentary evidence, pen drive and the fiscts which have emerged, it has been found that Manish Ludhra husband of Pooja Ludhra and opposite Puneet Ludhra were two brothers. Both the brothers Manish Ludhra and Puneet Ludhra were residing together in House No. 657, Dilbagh Nagar Extension, Basti Gujan, District Jalandhar and Manish Lodhra along with his wife applicant Pooja Ludhra and his children were residing in the ground floor portion and in this manner Puneet Ludhra along with his wife Naina Ludhra and his children was residing on the first floor of the house. Veena Ludhra mother-in-law of the complainant Pooja Ludhra was residing with them with his family and they used to look after her and get her medicines etc. Gulshan Ludhra father-in-law of the applicant has got the sale deed executed of the said House No. 657, Dilbagh Nagar Extension, Basti Gujan, Jalandhar on 11.05.1998 and therefore Veena Ludhra has become the owner of the said house. As per the complainant Pooja Ludhra, her mother-in-law Veena Ludhra on 30.05.2016 had executed a will of the said house and plot at Village Waryana, District Jalandhar in favour of her husband Manish Ludhra and younger brother-in-law Puneet Ludhra. On perusal of the will executed by Veena Ludhra, it was found that Veena Ludhra in the said will has got recorded that " After her death, the said House No. 657, Dilbagh Nagar Extension, Basti Gujan, Jalandhar and Pot No. 28 measuring 09 marlas 236 Sq. feet situated in Village Waryana District Jalandhar will be equally owned and it was also written that in case any one out of her sons dies before her death, then wife and children of the deceased son will be equal wwner of the property and bank balance as per this will. Copy of the will is



attached with the report for ready refence. During the enquiry, it was found that Manish Ludhra husband of the complainant had suffered from Corona during the Covid pandemic and he had expired at Fortis Hospital, Amritsar on 01.08.2020 but opposite party Puneet Ludhra and his wife Naina Ludhra and father-in-law Gulshan Ludhra used to fight with the complainant and her children and used to harass her. Veena Ludhra mother-in-law of the complainant had expired due to disease on 07.06.2022. As per the complainant, the opposite party Puneet Ludhra, his wife Naina Ludhra and father-in-law Gulshan Ludhra used to regularly fight with her. Therefore, the complainant Pooja Ludhra had made a separate passage for her ground floor in the said house and the partition of the staircase was made with wooden board. Therefore, opposite party Puneet Ludhra and his family used to go to their first floor portion of the house through separate passage. After the death of Veena Ludhra mother-in-law of the complainant, opposite party Puneet Ludhra, Naina Ludhra and father-in-law Gulshan Ludhra started asking the complainant and her children to move out of the house and started fighting with them. In addition to this, opposite party Puneet Ludhra and his wife Naina Ludhra demolished the wooden board partition made in the staircase of the house, and in this regard, the compliant party also prepared the video of the opposite party. The video is available in the pendrive for perusal. According to the applicant, thereafter she came to know that in the year 2019, when her mother-in-law Veena Ludhra became very ill, she was admitted at Cardio-Nova Hospital near Guru Nanak Mission Chowk Jalandhar When her mother-in-law Veena Ludhra was discharged from the hospital, her mother-in-law was not in her senses at that time and in the hospital the opposite party Puneet Ludhra had made a lot of noise and took her mother-in-law from there forcibly in a wheelchair and fraudulently on the basis of wrong documents got the will of the said house on 22.03.2019 in his favour and on the basis of the said will, he has got mutated his name in the revenue department. On perusal of the records obtained from the revenue department during the enquiry, it was found that opposite party Puneet Ludhra had submitted an application and affidavit to Tehsildar for getting the mutation of the said house in his name on the basis of the said will to the effect "Gulshan Ludhra, Manish Ludhra and Puneet Ludra are the legal heirs of Veena Ludhra and it was also written that there is no other registered or unregistered will of Veena Ludhra earlier to this will, and if there is any



other will, then he himself will be responsible. On this, the revenue department after preparing the pedigree table of deceased Veena Ludhra, sanctioned mutation No. 22466 dated 22.04.2024 in respect of the said house and pedigree table was verified by Lambardar Madan Lal, Basti Danishmandan Jalandhar, but it is worth mentioning here that opposite party Puneet Ludhra at the time of getting the mutation of the said house/property in his name has shown that Munish Ludhra has not died in the application, affidavit and verified pedigree table. The report regarding the complainant, affidavit, pedigree table and sanction of mutation is attached with the report for perusal. Now here it is worth mentioning here that if opposite party Puneet Ludhra at the time of sanctioning of mutation on the basis will of his mother Veena Ludhra had given this information that his brother Manish Lodhra has died, then Tehsildar would be sanctioned the mutation of the property after sending notice to the legal heirs of Manish Ludhra ie his wife and children and hearing them, but the opposite party Puneet Ludhra did not do so and concealed all the facts regarding the death of Manish Ludhra from Tehsildar revenue department and got the property mutated in his name by giving false information. On a perusal of the enquiry done by me so far and the documentary evidence, it has been found that the opposite party Puneet Ludhra by deceiving Veena Ludra mother-in-law of the complainant got the will of the said house in his name and thereafter opposite party Puneet Ludhra by deceiving the revenue department for the purpose of giving benefit to him, by giving false information to Tehsildar office and by concealing the facts has caused benefit to him and by not giving the information about the death of his brother Manish Ludhra to Tehsildar Sahib and by concealing the information about the legal representatives deceased Veena Ludhra fraudulently got the property transferred in his name because if the opposite party Puneet Ludhra had informed Tehsildar Sahib about the death of his brother Manish Ludhra and his legal heirs (wife complainant and children), then at the time of sanctioning mutation of the property through legal process, the Tehsildar Sahib would have issued notice to the legal heirs of deceased Manish Ludhra (complainant and her children) and after hearing their version. Thus Puneet Ludhra by not doing so and by giving incomplete information and concealing facts on the revenue department get the property transferred in his name. From the investigation, It has been revealed that opposite party Puneet Lodhrs under a conspiracy by



conerating the tech from the revemie department hy getting the property transferred in his name is found to have committed cheating. Apart from this, from the investigation so far, no evidence of any kind has come forth against opposite party Gulshan Ludhra which proves that he has any role in this fraud. So the opposite party Gulshan Ludhra has been proved innocent so far. But during the preliminary enquiry. there is no direct involvement of opposite party Naina Ludhra, but still her role is yet to be considered during the investigation of the case. Recommendation of action: Therefore, if approved, it is recommended that a case may be registered under Sections 420,177,193,195 IPC against opposite party Puneet Ludhra son of Gulshan Ludhra resident of House No.657 Dilbagh Nagar Extension Basti Gujan, District Jalandhar at Police Station Navi Baradri, Commissionerate Jalandhar and investigation is required to be conducted. Apart from this, if during the course of the investigation of the case, any involvement of opposite party Naina Ludhra wife Puneet Ludhra resident of House No. 657 Dilbagh Nagar Extension Basti Gujan, District Jalandhar comes to light, then it is recommended that appropriate legal action may be taken against her. Report is submitted." Sd/- in English. Gagandeep Singh, PPS Assistant Commissioner of Police, Security, Jalandhar. 02.10.2024. On this Hon'ble Commissioner of Police Jalandhar has written that, "Approved." Sd/- Commissioner of Police Jalandhar. Today at Police Station: On receipt of the above said complaint, along with the enquiry report at the police station, the above said case was registered under the abovesaid sections and the original complaint along with enquiry report and copy of FIR is being handed over to ASI Sukhdeep Singh 1958 for further investigation. Higher officers and control room have been informed."

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has stated that the matter has been amicably settled between the parties before the Mediation and Conciliation Centre of this Court. Settlement agreement is placed on record.

On behalf of the State and complainant

In light of this very fact, learned State Counsel as well as



counsel for the complainant do not object to the prayer for grant of concession of anticipatory bail as the matter has been settled between the parties.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties that the matter has been amicably settled between the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has *bona fide* intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of



the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

15.01.2025

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