



**104/4 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-3109-2025 (O&M)

Date of Decision:23.02.2026

Surjit Singh Bains and others

...Petitioners

VS.

Union Territory, Chandigarh

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Pankaj Kundra, Advocate, for the petitioners.
Mr. Manish Bansal, Public Prosecutor with
Mr. Rajiv Vig, Addl. P.P. for U.T., Chandigarh.
Ms. Navjot Lehal, complainant in person.

N.S.Shekhawat J. (Oral)

1. The petitioners namely, Surjit Singh Bains, aged about 64 years, Tarlochan Singh Bhatia, Petitioner No.2, aged about 69 years and Sham Sunder Bhardwaj, petitioner No.3, aged about 74 years, Balbir Kaur, petitioner No.4, aged about 63 years, Ranbir Singh, petitioner No.5, aged about 75 years and Sanjeev Aggarwal, petitioner No.6, aged about 63 years have filed the present petition under Section 482 of Bharatiya Nayaya Suraksha Sanhita (BNSS), 2023 with a prayer to grant the concession of anticipatory bail to them in case FIR No.9 dated 18.01.2018 registered under Sections 406, 420 and 120-B of IPC and Sections 467, 468 and 471 of IPC added later on, at Police Station Sector-49, Chandigarh.

2. The complainant, namely, Gurmukh Singh Lehal had got the present FIR registered against the former Management of Ajanta Cooperative House Building Society Limited, Sector-51, Chandigarh, which was allotted land by Chandigarh Housing Board for construction of 150 flats between the



years 2002 to 2006. The complainant had alleged that he was the original member of Ajanta Cooperative House Building Society Limited, Sector-51-D, Chandigarh. The members of the Society including the complainant completely paid the cost of the land and building to the Society from 2002 to 2006. However, the Executive Members of the Committee, which applies refunds and acted against the registered bye-laws of the Ajanta Society. Further, the Society, without any approved building plan for common facility block, swimming pool, fire fighting system etc. was demanding Rs.2,08,000/- for the same. The draw of lots was held on 30.07.2006 and the complainant was allotted Flat No.3022 without completing the dwelling units and without any completion certificate. Still, the penal interest for delayed payment was charged. Further, the final notice demanding Rs.23,000/- as maintenance charges for the period from February 2008 to March 2009 was made to the complainant without completing Community Centre, swimming pools etc. The complainant and other allottees had paid various amounts as detailed in the complaint and breach of trust and cheating to cover up the misappropriate funds was also alleged by the complainant.

3. Learned counsel for the petitioners contends that all the petitioners are senior citizens and have been falsely involved in the present case. The petitioner No.1 allegedly held the post of Executive Member w.e.f. 2014 to 2019, petitioner No.2 held the position of Executive Member and Secretary from 2014 to till date. Petitioner No.3 held the position of Executive Member from 2014 to 2024, petitioner No.4 held the position of Executive Member from 2014 to 2019, petitioner No.5 held the various positions from 2014 to 2024. Petitioner No.6 remained the post of Finance Secretary and Executive Member



from 2011 to 2024. After the death of original complainant, Gurmukh Singh Lehal on 28.03.2019, the matter is being pursued by his daughter, Navjot Lehal, who is a habitual complainant and had involved several innocent persons into different kinds of false litigations. She had also got registered FIR No.268 dated 30.11.2014 under Sections 342, 354-A, 509, 34 of IPC at Police Station Samrala, District Ludhiana lodged against one Prem Singh Badhan, Branch Manager, LIC, Samrala, District Ludhiana, Rajinder Kumar, Senior Divisional Manager, LIC, Ludhiana and another, which is still pending for the last 10 years. Still further, the FIR is a counter blast to another FIR No. 19 dated 28.02.2017 under Sections 354-A, 341, 323, 34 IPC, which was registered against her, her parents and brother on the basis of a complaint made by one of the members of the Managing Committee. However, Navjot Lehal also got a counter FIR No.20 dated 28.02.2017 under Sections 354-A, 34 IPC against the office bearers of the same Management Committee. Apart from that, the petitioners also referred to a copy of the order dated 04.09.2023, passed by the Court of Judicial Magistrate 1st Class, Chandigarh, in case No.PCH/3320/2017 titled as State Vs. Ranbir Singh (Annexure P-2), in which the trial Court has referred to her as a chronic educated litigant.

4. Learned counsel for the petitioners further submits that after a thorough investigation by Economic Offences Wing of Chandigarh Police, the closure report dated 12.07.2022 was submitted by the police in the Competent Court. However, on the frivolous objections lodged by Navjot Lehal, it was referred back for further investigation. He further contends that there was no misappropriation or embezzlement of a single rupee and all the amounts received from the members towards land cost, construction costs,



penalties/interest and regular maintenance cost were through proper receipts and the amounts collected from time to time were duly deposited in various bank accounts of the Society. He further submits that the entire case was based on documentary evidence and the police had already collected the evidence and the challan has already been filed before the competent Court on 03.11.2024. Learned counsel further submits that the petitioners were granted the concession of interim anticipatory bail by this Court on 20.01.2025 and they had joined the investigation and after completion of investigation, challan has been presented before the Court. He further submits that the petitioners are now regularly appearing before the trial Court and the interim order dated 20.01.2025 may be made absolute.

5. On the other hand, learned State counsel assisted by the complainant-in-person have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners and other co-accused have committed a serious offence and the petition deserves to be dismissed by this Court.

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

7. In the present case, it is apparent that even though several allegations have been leveled by the complainant and the case seems to be based on documentary evidence. Apart from that, initially after detailed investigation, the Economic Offences Wing of Chandigarh Police had submitted a cancellation report on 12.07.2022 before the Competent Court. However, the case was referred for further investigation and it is only during the further investigation, the petitioners apprehended their arrest. Even after completion of



investigation, challan has already been presented by the police and the considered opinion of the Court, the custodial interrogation of the petitioners may not be required. Even otherwise, the petitioners are regularly appearing in compliance of the interim order dated 20.01.2025, passed by this Court and the present petition deserves to be allowed.

8. Without commenting anything on the merits of the case, the present petition is allowed and the interim order dated 20.01.2025 passed by this Court is made absolute. The petitioners shall continue to appear before the trial Court on each and every date of hearing and shall not absent from the trial Court proceedings, without prior permission of the trial Court.

9. Needless to observe that the above observations have been made by this Court only for the limited purpose of disposal of the bail application and nothing stated herein shall be construed as an expression of opinion on the merits of the present case.

10. Pending application, if any, stands also disposed of.

(N.S.SHEKHAWAT)
JUDGE

23.02.2026
hemlata

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