

CRM-M-60009-2024
CRM-M-1189-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60009-2024
Reserved on: 01.05.2025
Pronounced on: 19.05.2025

Harpinder Singh Dhillon @ Harpinder Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CRM-M-1189-2025

Gurwinder Singh Dhillon @ Gurvinder Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gaurav Datta, Advocate and
Mr. Komalpreet Singh, Advocate
for the petitioner(s).

Mr. Rahul Jindal, A.A.G., Punjab.

Mr. Gaurav Jain, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0126	08.10.2024	Division-4, District Patiala	406, 420 IPC

1. Vide this common order, CRM-M No.60009 of 2024 and CRM-M No.1189 of 2025 are being disposed of. For brevity, the facts are being taken from CRM-M No.60009 of 2024.

2. The petitioner(s) apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. As per paragraph 28 and 29 of the bail petition(s), both the petitioners are involved in one FIR which is detailed below:

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Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	154	15.11.2023	420, 465, 468, 469, 471 IPC	Amargarh, District Malerkotla

4. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That brief facts of the case are that case/FIR No. 126 dated 08.10.2024 u/s 406, 420 IPC at Police Station Division No. 4, Patiala against Gurwinder Singh (Brother of accused/petitioner) Pavitar Singh (accused/petitioner) and Harpinder son of Pavitar son of Singh Singh residents of Amargarh District Malerkotla on the basis applications moved by complainant Dharampal Goyal son of Khazanchi Lal Goyal, resident of Kothi No. 1, Nihal Bag, Patiala, before the Senior Superintendent of Police Patiala. The detail of which is as follows:-

i) An application 30.06.2023 No. moved 7044/Peshi by moved complainant Dharampal Goyal son dated by of Khazanchi Lal Goyal, resident of Kothi No. 1, Nihal Bag, Patiala, against accused/petitioner Harpinder Singh, before the Senior Superintendent of Police Patiala, in which he alleged that accused/petitioner Harpinder Singh, on 31.05.2022, has mortgaged his land situated at Village Amargarh, Tehsil & District Malerkotla, with the complainant, for amount of Rs. 10 Lacs and agreed to return the said amount on or before 01.06.2023 and in case of failure, he would execute the sale deed of said land. At that time, Harpinder Singh also handed over the possession of the land to the complainant. However, Harpinder Singh did not return the amount till 01.06.2023 and on asking of the complainant, Harpinder Singh agreed to execute the sale deed in his favour. Accordingly, on 01.06.2023, the complainant went to the office of Sub-Registrar Amargarh in the morning, but Harpinder Singh did not turn up and the complainant got his presence marked. Thereafter, Harpinder Singh refused to return the amount of complainant or to execute the sale deed in his favour.

ii) That similarly, another application no. 5152/Peshi dated 17.06.2024 was moved by complainant Dharampal Goyal before Senior Superintendent of Police Patiala against Gurwinder Singh, who is the brother of the accused/petitioner, and submitted that Gurwinder Singh on 06.09.2021 entered into agreement to sell with him to sell his land situated at Village Amargarh, Tehsil & District Malerkotla, for amount of Rs. 20 Lacs and received full amount in cash and possession of land was delivered to the complainant. The date for execution and registration of the sale deed was fixed for 10.06.2022. However, with the mutual consent of parties, the stipulated date of execution and registration of the sale deed was extended till 10.06.2023, vide writing dated 31.05.2022, 10.06.2023 was Saturday, and 11.06.2023 was Sunday, as such, Gurwinder Singh agreed to execute the sale deed on

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09.06.2023 in favour of the complainant. On 09.06.2023, the complainant went to the office of Sub-Registrar Amargarh in the morning, but Gurwinder Singh did not turn up and the complainant got marked his presence. Thereafter the complainant came to know that after entering into agreement to sell with him, accused Gurwinder Singh also executed agreement to sell of the same land in favour of some other person and is delaying the matter for execution of sale deed in favour of the complainant on one pretext or the other.

4. That both the applications were jointly marked to Deputy Superintendent of Police (D), Patiala who conducted a thorough inquiry of the matter and marked the same to Economic Offences Wing, Patiala. Then the Economic Offences Wing, Patiala submitted its report and recommended to register the case u/s 406 and 420 IPC. On receipt of report from the Economic Offences Wing, Patiala, the Deputy Superintendent of Police (D), Patiala while agreed with the same, submitted his report no. 214/C/D.S.P., (D) dated 24.09.2024, on the basis of which, Senior Superintendent of Police, Patiala directed the Station House Officer Police Station Lahori Gate Patiala to register the case against the accused petitioner Harpinder Singh as well as his brother Gurwinder Singh.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

6. The State's as well as counsel for the complainant oppose bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“Role of Accused/Petitioner

11. That brother of accused/petitioner namely Gurwinder Singh firstly entered into agreement to mortgage for 0.9 Biswas of Plot to the complainant vide agreement dated 06.09.2021 and received Rs. 20 Lacs from the complainant and date of execution of registration was fixed as 10.06.2022 and in this agreement the accused/petitioner appeared as a witness and attested the agreement to mortgage. But his brother did not execute the mortgage in favor of complainant. The accused/petitioner also entered into an agreement to sell his land measuring 2 Bighas to the complainant vide agreement of sale dated 31.05.2022 and received Rs. 10 Lacs from the complainant. And vide this agreement the accused/petitioner agreed to execute the mortgage deed of the land after dated 01.06.2023 and possession of the land was given to the complainant and it was agreed by the accused/petitioner that if he failed to return the amount of Rs. 10 Lacs then he will execute the sale deed at the

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market rate, but failed to execute the mortgage deed on date fixed, though the complainant appeared before Sub-registrar and got himself marked his accused/petitioner presence. neither So returned the the amount nor executed mortgage deed or sale deed in favour of the complainant. Even brother of the petitioner namely Gurwinder Singh also failed to execute the mortgage deed in favour of the complainant which shows that they are in conspiracy with each other and their intention was to cheat the complainant from its very beginning.

Evidence against the Accused/Petitioner

12. That written agreements to sell and written agreement to mortgage are there vide which brother of the accused/petitioner received Rs. 20 Lacs from the complainant and that agreement is accused/petitioner signed also as a by witness the and agreement to sell dated 31.05.2022 executed by the accused/petitioner vide which he received Rs. 10 Lacs from the complainant, is there on the file and moreover the duly sworn affidavits filed by the complainant before Sub-Registrar by making his presence before the Su are also there, but the accused/petitioner did not turn up to execute the mortgage deed or sale deed."

8. State counsel submits that the petitioner(s) did not join the investigation. Further both the co-accused are real brothers and have cheated them by obtaining Rs.30 lacs and failed to execute the sale deed. In addition, there is another FIR which is registered as FIR No.154. To this, counsel for the petitioners submits that FIR No.154 has already been compromised and petition for compromise quashing is pending.

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. Moreover, dispute appears to be civil in nature as dispute is qua an agreement to sale and promise was not fulfilled. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner(s) are not required in any other case, the petitioner(s) shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a

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Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fail to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner(s) shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner(s) are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants

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to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.