



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26546-2025
DECIDED ON: 15.05.2025

DAYA SINGH ALIAS DIYA SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Dr. Rau PS Girwar, Advocate and
Ms. Archana Arora Rau and Ms. K.T. Rau, Advocates
for the petitioner.

SANDEEP MOUDGIL, J

CRM-20093-2025

Application is allowed, as prayed for.

CRM-M-26546-2025

1. Relief sought

The jurisdiction of this Court has been invoked for the second time under Section 482 BNSS for the grant of Anticipatory Bail to petitioner in the case of FIR No.29, dated 17.04.2024, under Sections 420, 120-B IPC, Police Station Balianwali, District Bathinda i.e. Annexure P-4.

2. Facts

Prosecution story setup in the present case, as per the version in the FIR, reads as under:-

“Copy of application. Office of Senior Superintendent of Police Bathinda No.67-Crime 24 dated 11.03.2024. To, The Senior Superintendent of Police Bathinda, Sub: Application for taking legal action against Jaspal Singh son of Gurnaib Singh resident Dikh (Mobile No. 9807600027) as well as his wife Preet Kaur

wife of Jaspal Singh, Daya. Singh son of Joginder Singh son of Kundan Singh and his wife Gurpreet Kaur wife of Daya Singh resident of Near Ghrat, Road, Village Mehraj, now resident of Village Malooka Mobile No. 9815726438), Harjinder Kaur daughter of Mukand Singh son of Hazura. Singh now wife of Hardev Singh resident of Phul Tehsil Maur Mobile No. 9478774893, Kulwant Singh son of Malkit Singh son of Bhag Singh resident of Phul Town, District Bathinda, Major Singh son of Karam Singh son of Chand Singh resident of Village Mandi Kalan District Bathinda Major Singh son of Karam Singh son of Chand Singh resident of Mandi Kalan District Bathinda and Manga Singh Numberdar resident of Balianwali and Bharat Bhushan Advocate Balianwali have committed forgery and got registered false sale deed and therefore cheated an amount of Rs.1,26,00,000/-. Sir, I Lakhvir Singh son of Mahinder Singh son of Shivram Singh resident of Near Pirkhana, Mandi Road, Tehsil Maur District Bathinda. It is respectfully submitted; 1. That above said Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur are my relatives. The above said persons have connived with Darshan Singh, Harjinder Kaur, Kulwant Singh, Major Singh and Manga Singh Numberdar and have made a gang. They above said persons enticed me and Jaspal Singh and his wife Preet Kaur became dealers and got done the deal of land measuring 41 kanal 10 marla of Daya Singh @ Rs.12,30,000/- per acre and total sale consideration comes to Rs.69,80,000/-. They have got an amount of Rs. 20,00,000/- from me i.e. Rs. 10 Lakh in cash and Rs. 10 Lakh through cheque on dated 17.12.2022 with regard to execute an agreement at Maur Mandi District Bathinda. At the above said time, Gurpreet Kaur wife of Daya Singh and above said persons Kulwant Singh and Major Singh etc. were also present at there. At that time, Jaspal Singh and his wife Preet Kaur and Dayal Singh and his wife Gurpreet Kaur told me about two persons who were describing

themselves as Kulwant Singh and Major Singh and got us met at Maur Mandi and said that Daya Singh has entered into a deal of land measuring 41 kanal 10 marla with Kulwant Singh son of Major Singh. Jaspal Singh is the son of aunt of my wife. Therefore, I had trust on them. Thereafter Jaspal Singh and Daya Singh again enticed us and on dated 19.01.2023, received more earnest money of Rs.5 Lakh at Maur Mandi. Above said Daya Singh and his wife Gurpreet Kaur Jaspal Singh and his wife Preet Kaur had received more, amount of Rs.25 Lakh on dated 29.04.2023 at the time of extension of agreement. In this regard, I had left all the work of writing on Jaspal Singh. He is my brother in law (Sala) in relationship and I had trust on him. On dated 29,04.2023, he did not rightly written the advance money in the writing with intention to cheat us. After that above said Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur in connivance with other persons, with intention to commit cheating with us, shown us the land of some other person and therefore enticed us. Then. Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur said to my wife that they have another land for good profit. The estimate value of the land is Rs.452,20,000/- and land is measuring 41 kanals and they will also enter into deal of this land. They were my relatives, therefore, I was enticed by them. Then above said Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur shown me a Jamabandi wherein khewat no. 1542 and the land was situated at Mandi Kalan. and the actual owners therein were Darshan Singh and Harjinder Kaur. They have got the same checked from Bharat Bhushan Advocate Balianwali. He said that the ownership is correct and there will be no problem in the registration of sale deed. After that Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur, Harjinder Kaur, Kulwant Singh, Major Singh have received Rs. 53,20,000/- in cash from my wife on different occasions. The remaining amount of Rs.22,48,000/-

has been given to Daya Singh, Kulwant Singh, Harjinder Karu, Jaspal Singh from my as well as the bank account of my wife; Then Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur said to me to come on dated 17.04.2023 in Sub Tehsil Balianwali and the sale deed will be registered on your name. I along with my wife Mandeep Kaur reached at Tehsil. They got scribed the sale deed from Bharat Bhushan Advocate, It was witnessed by Manga Singh resident of Balianwali and Jaspal Singh son of Naib Singh resident of Dikh. They said that sale deed will not be registered on that day fbr some reasons. We came back. After that on two occasions, they called for sale deed, but the sale deed was not registered. Then on dated 09.05.2023, accused Jaspal Singh, Preet Kaur, Daya Singh, Gurpreet Kaur, Kulwant Singh, Major Singh and other accused Manga Singh Numberdar, Bharat Bhushan Advocate in connivance with each other prepared forged Jamabandi and got registered the sale deed No. 2023:24/67/1/167 dated 09.05,2023 from Darshan Singh and Harjinder Kaur in Sub Tehsil Balianwali. They have received entire amount of Rs.1,26,00,000/- from me in cash as well as through cheques. I had given them the copy of sale deed for sanction of mutation. The above said accused Daya Singh and his wife Gurpreet Kaur, Jaspal Singh and his wife Preet Kaur, Darshan Singh, Harjinder Kaur said to me that the mutation will be sanctioned in 15-20 days. Therefore they pretended me that the mutation will be sanctioned in few days. But mutation has not been sanctioned. Later on, I had talked with my relatives and they said that they will inform and then came to know that the sale deed which is registered by the persons, but the land is not on their names, Therefore Jamabandi has been fabricated and committed fraud. After that, I alongwith my wife and other relatives visited the land which was shown by the accused. The original owners of the land said that they have not sold any land. After that accused Jaspal Singh son of Gurnaib

Singh resident of Dikh and his wife Preet Kaur wife of Jaspal Singh, Daya Singh son of Joginder Singh son of Kundan Singh and his wife Preet Kaur wife of Jaspal Snigh resident of Ghrat Road, Village Mehraj now Maluka, Harjinder Kaur daughter of Mukand Singh son of Hazura Singh now wife of Hardev Singh resident of PHul Tehsil Maur, Kulwant Singh son of Malkit Singh son of Bhag Singh resident of Phul Town, District Bathinda, Major Singh son of Karam Singh son of Chand Singh resident of Mandi: Kalan District Bathinda and Manga Singh Lambardar resident of Balianwali have visited Bharat Bhushan Advocate Balianwali, They said that they had to cheat which they have done and from beginning their intention was to cheat.

2. The above said persons have taken benefit of our relatives and committed cheating. After that Jaspal Singh promised that the land is correct but has been mentioned wrong in the record. He will deliver the possession and got enter the mutation till 30.11.2023 and executed an agreement with us on dated 26.10.2023 and given us promise that if he fails to get register the sale deed of above said land till 30.11.2023, he along with other accused will return our amount of Rs.1,26,00,000/-. But the accused have not get register the sale deed and nor returned our amount of Rs.1,26,00,000/-. 3. That now the above said persons have been contacted, they did not given any reliable reply. From which it is clear that the above said persons in connivance with other have committed fraud. Strict action be taken and justice be given. Our sale consideration and sale deed expenditures be returned from the accused. Thanking You.

Sd. Applicant. Lakhvir Singh son of Mahinder Singh son of Shiv Ram resident of Near Pirkhana, Maur Mandi, Tehsil Maur District Bathinda,

3. **Contention**
On behalf of the petitioner

Learned counsel for the petitioner submits that the allegations made in the FIR are motivated by underlying civil disputes pertaining to

land ownership and sale transactions. It is contended that the petitioner had no *mens rea* to commit any offence, and the FIR does not disclose the essential ingredients of any cognizable crime. Furthermore, there is no allegation or evidence of forgery attributable to the petitioner. A plain reading of the FIR reveals that the statement of the Patwari, recorded during the preliminary inquiry, indicates that although a *Fard Badar* was carried out in the revenue records in the year 2012, the same was not updated in the computerized system due to a lapse on the part of the Revenue Department. Hence, the alleged irregularity appears to be administrative in nature rather than criminal.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, Addl. A.G., Punjab accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner along-with other co-accused allured the complainant to purchase land and got a substantial amount of Rs.1.26 Crores from the complainant by showing fake revenue record and by executing fake agreement/sale deed.

4. **Decision**

In view of the serious nature of the allegations against the applicant and co-accused, involving the inducement and cheating of the complainant to the tune of ₹1.26 crore, this Court finds no ground to extend the benefit of anticipatory bail. The accusations include not only the fabrication of revenue records but also the execution of false agreements and sale deeds, which reflect a well-orchestrated conspiracy.

The Hon'ble Apex Court in "*Pratibha Manchanda vs. State of Haryana*" (2023) 8 SCC 181, has set aside the anticipatory bail granted by the High Court, highlighting the gravity of the forgery and cheating allegations. The Court underscored the importance of custodial interrogation to recover the original documents and ascertain the facts, thereby ensuring a fair investigation.

The High Court of Delhi in "*Anil Sharma vs. State (NCT of Delhi)*" (2024) has observed that granting anticipatory bail during the investigation stage could frustrate the investigative agency's efforts in interrogating the accused and collecting crucial information. The court noted that in economic offences, anticipatory bail could hamper effective investigation, and therefore, the application was denied

Considering the gravity of the offence, the magnitude of the alleged fraud, and the severity of the punishment prescribed, custodial interrogation of the applicant is found to be necessary for effective investigation and recovery of further evidence. In the totality of these circumstances, this Court is not inclined to exercise discretion in favour of the applicant. Accordingly, the petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

15.05.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No