



CRM-M-10749-2024

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**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-10749-2024
Reserved on : 03.04.2025
Pronounced on: 29.04.2025**

RAVI KANT

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Argued by:Mr. Ferry Sofat, Advocate for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. Sukhdeep Singh, Advocate for respondent No.2.

Mr. Jaideep Verma, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
04	09.01.2024	Division No.2, District Ludhiana	420 of IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 of Cr.P.C, seeking anticipatory bail.
2. In paragraph 23 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply dated 10.10.2024 filed by the State, which reads as follows:

"xxx xxx xxx xxx

3. *It is respectfully submitted that complainants-Sarita, Manju, Gajraj Verma and Dharm Parkash had moved an Application with the Commissioner of Police, Ludhiana bearing PGD NO.73832, ID No.77633 dated 02.12.2022 levelling allegations that the complainants had purchased one plot measuring 600 square yards bearing Plot No.101- Industrial Area-A, Ludhiana bearing Property No.B-23-2326 (old) and new No.B-23/1827 vide two sale deeds bearing Wasika NO.11927 and 11928 both dated 10.11.2010 from one Ranjeet Verma. The said plot was out of the plots allotted by the Govt. for Industrial Area-A and TS-I numbers have been put to these plots in the names of the complainants. Electric and Water connections are also in the names of the complainants and the complainants have not taken any loan on their said plot nor they have ever pledged the said plot with*



any bank.

It was further alleged that few days ago some persons came to the plot of the complainants and displayed a Notice of possession on the gate of the plot issued by Fullerton India Credit Company. It was complainant further alleged that thereafter the complainant came to know that the present petitioner being Director of Txlene Forge Pvt. Ltd. has taken loan of Rs.2,32,98,966/- by showing the plot of the complainants to be own plot of the petitioner and for not returning the said loan amount, the bank had displayed the above said Notice of possession on the plot of the complainants. It was further alleged that the petitioner has obtained loan from the bank on the basis of sale deed of the year 2017 whereas the sale deeds of the complainants belong to the year 2010. In this way the present petitioner has obtained loan the on some other sale deed but by showing the plot of the complainants."

4. 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 petitioner and his family. He further submits that the petitioner has been falsely implicated in the present FIR as the complainant and the petitioner is working in the same kind of business. Petitioner counsel argued following points :

"(i) That the petitioner and Complainant are known to each other from last 7-8 years as they are working in the same kind of the business, the complainant themselves is admitting this and mentioned in the FIR also.

(ii) That the petitioner had purchased the said property in the year 2017 from the SimranJit Singh with whose grandfather(Sh. Surjit Singh) the petitioner had signed the agreement and consideration for the sale of the property was also given to the grandfather of the Simranjit Singh(Sh. Surjit Singh) but due to some reasons the sale deed was not transferred in the name of the petitioner when the grandfather of the Simranjit Singh(Sh. Surjit Singh) was alive but after the death of the grandfather of the Simranjit Singh(Sh. Surjit Singh) he had inherited the property vide intkal No 27723 and the sale deed was transferred by the Simranjit Singh in the name of the Petitioner's Firm.

(iii) That it is important to highlight the fact that the Sale deed which was in the favor of the petitioner (Annexure P-20,P- 21) in that sale deed the Khasra Numbers were mentioned and in the sale deed which is in favor of the complainant in that the Property was described by the Plot Numbers(Annexure P-2,P-3).



(iv) That the petitioner had availed the said loan from the Tata Capital Bank by mortgaging the said property which was later transferred to Fullerton Bank now known as SMFG India Credit, and in the Bank Records the petitioner had never given the details of the complainant's Property but only given the details of his property i.e Khasra Numbers which is evident from Valuation report conducted by the Fullerton Bank now known as SMFG India Credit at the time when loan was transferred to them from Tata Capital Annexure P-16.

(v) That after getting the knowledge of the petitioner's and Complainant's dispute the Fullerton Bank now known as SMFG India Credit had filled a complaint to the Commissioner of Police, Ludhiana in that complaint also the bank had admitted that the petitioner had availed the loan by mentioning the Khasra Numbers (Annexure P 23 Para No 2).

(vi) That even as per the Revenue Records also the ownership of the said Land is in the Name of the Petitioner's Firm and before that the Ownership was in the Name of the Sh. Surjit Singh (Grand Father of Simranjit Singh), Moreover during the pendency of the present petition the state had also filled a Status report dated 04.03.2025, in which State it self had mentioned that according to the revenue record also the said property belongs to the M.S Txlene Forge Pvt Ltd (Para 8,9 of the Status Report, Annexure R 2) and Annexure P-4 to P-14 and Annexure P-24,P-25.

(vii) That it also important to bring to the kind knowledge of this court that the one civil suit had already been filled by the Complainant which is in the Court of Civil Judge, Ludhiana in Which the Petitioner had appeared and written Statement had already been filled by the petitioner in which petitioner had taken the same ground that he had not misappropriated the documents of the complainant's property but had taken the loan by mentioning the description of his Numbers(Annexure P17,P18)."

5. The State's counsel opposes bail and refers to the reply.
6. Counsel for respondent No.2 as well as complainant have also opposed the bail.
7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“xxx xxx xxx xxx

11. That it is clear that the petitioner has fraudulently obtained



loan of Rs.1.50 Crore by showing and misrepresenting that he is owner of the plot which was actually owned by the complainants. Considering the gravity and nature & offence, the petitioner is not entitled for the concession of anticipatory bail which is an extra ordinary relief and the same is granted only in exceptional case. However, as per police record, no other FIR has been registered against the petitioner.”

REASONING:

8. Nutshell of the arguments advanced by the counsel for the petitioner is that dispute qua the property and complainant has already filed a civil suit sale deed executed in favour of petitioner clearly inflicts his ownership and he obtained loan against his property. Since matter appears civil in nature and only evidence can prove the offence as such at this stage no ground is made out to deny bail. Petitioner has been falsely implicated in the present case. 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. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. 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, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner 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 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 fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner 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)	

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

13. The petitioner is 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 petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner 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 petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. 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.

15. **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.**

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

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

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

29.04.2025
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(ANOOP CHITKARA)
JUDGE

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