

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

105

CRM-M-32212-2025  
DATE OF DECISION: 18.06.2025

HARPREET SINGH AND ANR.

...PETITIONERS

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S.Behl, Advocate for the petitioner(s).

Mr. Sandeep Singh, AAG, Punjab.

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**SANDEEP MOUDGIL, J (ORAL)**

1. This petition has been filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of Anticipatory Bail to the Petitioners arising out of a civil dispute culminating into a criminal color by way of present FIR No. 103, Dated -15.05.2024, U/s 420, 406 and 120-B of Indian Penal Code, 1860, Police Station- Sadar Ludhiana, District-Ludhiana (Annexure P-4), in view of the judgment passed by this Hon'ble High Court in Bhisham Singh V. State of Haryana.'

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

*'To one complaint No.PHG 316394 Com. No.313071, Date 11.03.2024 from Amar Gurraj Garewal son of Gurdev Singh, resident of House No.132-R, Janta Enclave, Dugri, Ludhiana. Subject: Request for registration of criminal case against Gurkirat Singh son of Harpal Singh and his brother, R/o Village Lasoi, Malerkotla, Dist. Sangrur alongwith new purchasers of property*

*through post has been received, which is as under: To the Commissioner of Police, Ludhiana, Subject; Request for registration of criminal case against Gurkirat Singh son of Harpal Singh and his brother, R/o Village Lasoi, Malkerkotla, Dist. Sangrur alongwith with new purchasers of property. Sir, (1) Amar Gurraj Singh Grewal son of Sh. Gurdev Singh Grewal, resident of 132-R, Janta Enclave, Dugri, Tehsil & District Ludhiana, submitted a complaint dated 27.09.2016 against various persons including Harpal Singh @ Doctor son of S. Dalbara Singh, resident of Village Lasoi, Malerkotla, District Sangrur. A cop of the said complaint is attached herewith for ready reference. However, vide the report dated 07.12.2017, which was made available 40 to me only on 05.02.2019 and that too after having applied under the Right to Information Act, prepared by the Assistant Commissioner of Police, Rural, Gill, Ludhiana, my said complaint was filed/consigned on the ground that the matter is of a civil nature. Feeling aggrieved, I have approached the Hon'ble High Court of Punjab & Haryana, Chandigarh by way of CRM-M-11661 of 2019. in my said petition, I have prayed for issuance of appropriate & necessary directions to register a case against the accused named in my aforesaid complaint CR No.1005510, 27.09.2016 and thereafter, to investigate the same in accordance with the law. My said petition (CRM-M-11661 of 2019) came up for preliminary hearing before the Hon'ble Bench of Hon'ble Mr. Justice Ramendra Jain on 13.03.2019. On the said date, the Hon'ble Bench has been pleased to pass the following order inter-alia, learned counsel contends that Harpal Singh vendor of the petitioner has cheated him for Rs.2.29 Crores by not executing the sale deed of the entire area, which he had agreed to sell to the petitioner nor got executed the sale deed from his original vendor. Instead Harpal Singh with mala fide & dishonest intention got executed the sale deed in his own favour. The notice has intentionally prepared false report dated 07.12.2017 (P-2), rejecting the representation/complaint (P-1) of the petitioner on the ground that the matter in dispute between the petitioner and Harpal Singh is of civil nature. This Court does not agree with the*

*said report (P-2) of the police. Notice of motion for 22.05.2019. March, 13, 2019. Sd/- (Ramendra Jain), Judge. Sir, after this, I filed complaint with Commissioner of Police, Ludhiana, who formed an SIT under an IPS officer where the accused Harpal Singh did not appear on medical grounds after that lock down was imposed and complaint was halted, after that it was learnt that Harpal Singh died during the pendency of the complaint, now few days ago Mr. Gurkirat Singh son of Harpal Singh (the accused) got the land transferred to some unidentified person who intern came and again demolished the walls & blocked the roads and converted our office on the land by putting a cross sign depicting it as Church to make it communal. Sir, I have been cheated of 2.29 Crores and have paid full amount for the abovesaid land still, I am being taken advantage of, they are grabbing land destroying property, defrauding me and so blatantly issuing threats, please assure justice for us in Ludhiana. Dated 07.03.2024. Sd/- (Amar Gurraj Singh Grewal) son of Sh. Gurdev Singh Grewal, resident of 132-R, Janta Enclave, Dugri, Tehsil and District Ludhiana. 79731-82434. The inquiry report was prepared regarding the above said application by ASI Major Singh No.1384/Ludhiana Police Station Sadar Ludhiana which is as follows: "From the inquiry conducted by me till now and from the documents and statements of the witnesses, it is found that on 29.06.2011, applicant had entered into an agreement to sell regarding land measuring 16,937 square yards (having boundary wall constructed) at the rate of Rs.1 Crore 46 Lacs per acre (8 Kanals) which comes to Rs.5 Crore 11 Lacs with Harpal Singh son of Dalbara Singh resident of village Lasoyi Tehsil Malerkotla District Sangrur (who had died on 12.08.2021 as per the death certificate), the said land is comprised -in khasra numbers 648, 647 Khata number 99/118, 100/119, 120, 121 as per Jamabandi for the year 2007-08 situated within the revenue estate of village Dhadra 1-and Village Dhadra-2 having Hadbast no. 274 having mutation numbers 10027, 10029, 10153, 10154, 10155, the original owners of which are Narinder Dheer and Varinder Dheer sons of Badrinath residents of 16-17 Taigar Nagar Ludhiana and Rishi Maghu son of Ravinder Maghu resident of New Delhi and*

*Parveen Kumar Raj Kumar resident of New Delhi through attorney namely Neeraj Khosla son of Mahinderpal Khosla resident of house no. 35 Basant Avenue Dugri Ludhiana. On the same day, applicant had given Rs. 75 Lacs in cash to Harpal Singh which is mentioned in the agreement to sell and the possession of the land was taken by the applicant. Thereafter, Harpal Singh got registered the sale deeds of land measuring 7500 sq. yards on various dates and he had given Rs. 4 Crore 55 lacs to Harpal Singh on different dates. As the applicant 325 was having total 16,937 square yards area, he had carved out total 27 plots separately in the above said land in the name of Gulmohar Colony, in which, he had constructed roads, installed street lights and constructed boundary wall of each plot and installed gates to each plot and to the colony. But out of the above said area of land, Harpal Singh did not execute the sale deed to the applicant regarding area measuring 9437 square yards and during this time, a dispute took place between Harpal Singh and Rishi Maghu regarding money due to which Rishi Maghu did not execute the sale deed regarding this share of land 4234 square yards due to which Rishi Maghu had constructed boundary wall around his share of land, however, the applicant had carved out-plots in this area of land and had also executed sale deeds in favor of the purchasers, whereas, Harpal Singh had already received money regarding the share of land of Rishi Maghu. Then, applicant talked to Harpal Singh that he should get the sale deed executed regarding the remaining area of land as per the agreement to sell or to return an amount of Rs.2 Crore 29 Lacs which he has already received in excess but he kept on making excuses to the applicant and the money which Harpal Singh had already received in excess, out of that amount, he got registered sale deed of land measuring 5150 square yards in his name from Narinder Dhir and Varinder Dhir and Parvann Kumar through GPA Neeraj Khosla on 03.04.2014, whereas, he had to execute the sale deed of this area of land to the applicant. Thereafter, applicant had filed a Writ bearing number CRM-M-11661-19 before the Hon'ble Punjab and Haryana High Court, Chandigarh regarding this above said matter, in which*

*Judge Sahib while deciding the writ in favor the applicant wrote in the order that Harpal Singh had duped an amount of Rs. 2 Crore 29 Lacs. Thereafter, Harpal Singh in connivance with his sons Gurkirat Singh and Gurveer Singh, under a pre-planned conspiracy, transferred the ownership of this area of land in favor of his both sons on 05.04.2021. When the applicant talked to Harpal Singh regarding this, then Harpal Singh did not listen to him at all and then, applicant told everything to Gurkirat Singh but Gurkirat Singh also did not listen to the applicant at all. When Gurkirat Singh and Gurbir Singh came to know about Harpal Singh that he is suffering from Cancer and he is alive for just few months, then they body under this knowledge that Harpal Singh has to execute sale deed in favor of applicant, but they intentionally got executed transfer of ownership in their names regarding land measuring 5150 square yards. Thereafter, Gurkirat and Gurbir Singh in connivance with their relatives his relative Harpreet Singh Tiwana and Jasvir Singh Tiwana and Gurjaap Singh, prepared attorney in their names regarding land measuring 5150 square yards, they went abroad and thereafter, Harpreet Singh Tiwana and Jasvir Singh Tiwana and Gurjaap Singh while showing plots no. 1,2,3 out of the plots carved out by the applicant, got registered the sale deeds in favor of above said persons in December 2023. During the Inquiry, it was found that a fraud was played with the applicant regarding non-registration of sale deed of land measuring 7590 sq. yards after taking an amount of Rs. 2 Crore 29 Lacs from the applicant. Upon which, a recommendation is being made regarding registration of an FIR under section 420, 406, 120-B IPC against opposite party Gurkirat Singh, Gurbir Singh, Harpreet Singh Tiwana, Jasvir Singh and Gurjaap Singh for playing fraud with the applicant party. Therefore, recommendation is being made regarding registration of an FIR under section 420, 406, 120-B IPC against opposite party Gurkirat Singh, Gurbir Singh sons of L. Harpal Singh, Harpreet Singh Tiwana son of Ajaib Singh, Jasvir Singh son of Balbir Singh and Gurjaap Singh son of Balwinder Singh residents of village Lasoyi Tehsil and District Malerkotla. Sd/ Major Singh ASI Police*

*Station Sadar Ludhiana. The inquiry report of the above said application was sent in the service of Hon'ble Senior officers through proper channel upon which they had sent the inquiry report in the service of Hon'ble Commissioner Ludhiana after accepting the same and upon which, Hon'ble Commissioner of Police Ludhiana, while accepting the same, wrote "SHO Sadar for Legal Action Sd/- Kuldeep Singh Chahal IPS Commissioner of Police, Ludhiana dated 15.05.2024. Today on receiving the above said application in the police station, the above said FIR under above said offences was registered against Gurkirat Singh, Gurbir Singh sons of L. Harpal Singh, Harpreet Singh Tiwana son of Ajaib Singh, Jasvir Singh son of Balbir Singh and Gurjaap Singh son of Balwinder Singh residents of village Lasoi Tehil and District Malerkotla. Control room was informed. Original application along with relevant documents and copy of FIR is being sent in the service of ASI Pritpal Singh 2631/Ludhiana Incharge Chowki Basant Avenue for further investigation.'*

3. At the outset learned State Counsel has raised a preliminary objection regarding the maintainability of the petition stating that second anticipatory bail under Section 482 of BNSS, 2023 without there being any change of circumstance is not maintainable and the said very fact has not been controverted by learned counsel for the petitioners that earlier also CRM-M-29744-2024 was filed by the petitioners and the same was dismissed with detailed order dated 13.06.2024.

4. Be that as it may, before going to the merits of the case, this Court, would prefer to adjudicate on the preliminary objection raised by the learned State counsel i.e., whether second anticipatory bail application under Section 482 of BNSS, 2023, is maintainable?

5. From the perusal of record, it is an admitted fact by the learned counsel for the petitioners that earlier also a petition bearing

No. CRM-M-29744-2024 was filed seeking anticipatory bail, but the same was dismissed by passing detailed order dated 13.06.2024 since the Court was not inclined to accept the said prayer.

6. This Court is conscious of the fact that while exercising powers under Section 482 of BNSS, 2023 it is duty bound to strike a balance between the individuals right to personal freedom and the investigational right of the police, therefore, the provisions of anticipatory bail cannot be allowed to put to abuse at the instance of unscrupulous petitioners.

7. Accordingly, the second or subsequent bail application under Section 482 of BNSS, 2023, can be filed, if there is a change in the fact-situation or in law, which requires the earlier view being interfered with or where the earlier finding has become obsolete. An accused, who has been denied the bail earlier can move a subsequent application only on in that limited area. If the issue, which had been canvassed earlier, would not be permitted to be re-agitated on the same grounds, as it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting.

8. In the instant case, 2<sup>nd</sup> petition for anticipatory bail has been moved without any change of circumstances being demonstrated by the petitioners before this Court, after the dismissal of earlier petition vide order dated 13.06.2024 passed in CRM-M-29744-2024 by this Bench itself.

9. This Court is, therefore, of the considered view after having examined the submissions made by the counsel for the

petitioners and the ambit of Section 482 of BNSS, 2023, this petition fails.

10. Hence, holding that second anticipatory bail in such circumstances is not maintainable, the petition is ordered to be dismissed.

11. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**18.06.2025**  
*anuradha*

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