

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 104

Criminal Miscellaneous No.M-19671 of 2025

Date of Decision: April 09, 2025

Lovely Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

PRESENT: - Ms. Ramanjit Kaur Basota, Advocate, for the petitioner.

SANDEEP MOUDGIL, J (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in case FIR No.162 dated 06.10.2024 under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station, Sadar Samana, District Patiala.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“TO, Worthy Complaint the contents of which D.S.P. for Baljinder Singh Bhupinder Singh Samana. Sahib, are, Sub: taking action against son of Laljeet Singh, M.No.8872089326 son of Randhir Singh resident of Village Chambo, Tehsil and District Patiala, 2) Lovely Singh son of Hansa Singh resident Khatriwal alias Bhagwanpura, 4) of Bahadar Singh son of not known resident of Fateh Majri, Tehsil Samana, District Patiala, 5) Sandeep Singh son of Jagroop Singh resident of Daba, Tehsil Guhla, District Kaithal, Haryana. Sir, it is requested that I am Daler Singh son of Sohan Singh resident of Village Talwandi Malik, Tehsil Samana, District Patiala and is an illiterate person. That I had purchased bearing Reg. No.HR09F-6965, No. MS4160012K18, Engine a Combine Chassis No.HFHM407552, Model 2018, the deal of which was finalized for Rs.11,70,000/-, out of which, the aforesaid Baljinder Singh and Bhupinder Singh, from whom the same was purchased, were paid by me Rs.70,000/- on 7/3/2023, Rs.30,000/- on 8/03/2023, Rs.5,70,000/- on 15-03-2023 and they have already been paid Rs.6,70,000/- by me and their balance amount of Rs.5,00,000/- was pending. That on 20-4-2023, the N.O.C. was to be obtained and delivered. That the reference of above said combine was given by Lovely Singh and it was he, who got the deal finalized. But this combine is continuing in the name of Sandeep Singh and they said that you will be given complete documents of the above said combine but they have received Rs.6,70,000/- from me but did not deliver the above said combine to me and I visited the house of above said Baljinder Singh time and again and also made visits with respectable persons and the relatives. But the above said Baljinder Singh and Bhupinder Singh always returned me back by



making excuses and neither they delivered the combine nor any document to me. That I had submitted a complaint against the above said persons at Police Chowki Gajewas, but the aforesaid Baljinder Singh and Bhupinder Singh got released by Bahadar Singh and promised to me that we will deliver you the combine in the morning and will receive our balance payable otherwise will return your amount of Rs.6,70,000/-. But neither Rs.6,70,000/- have been returned to me nor combine has been delivered to real owner of this me and the combine is Sandeep Singh. The above said persons, have duped Rs.6,70,000/- from me in connivance with each other. That whenever, I used to demand the delivery of combine Rs.6,70,000/-, or my money then they used to of hurl abuses to me and are giving life threats, due to which, I and my family members have apprehension to persons. Since our life from the said I have to receive back Rs.6,70,000/- from them, due to which they can kill me or get me killed. If any harm is caused to me, then the above said persons will be responsible. Therefore, by submitting the complaint, it is requested that a required legal action be taken against the above said persons and protect my life and and liberty Rs.6,70,000/- be got my amount returned to me of from them. I shall be highly thankful to you.

Signature Daler Singh (LTI) son of Sh. Sohan Singh resident of Village Talwandi Malik, Samana, M.No.98764-95635. District Patiala, Acting thereupon, Deputy Superintendent of the Police, Samana marked the complaint vide No.185/P/DSP/SMN dated 10-05-2023 and wrote SHO PS Sadar Samana Verify facts & submit report Sd/-Supdt. of Police Samana", whereupon, the Station Samaha House marked Officer, the Police Station complaint vide No.99/5P/P8 Sadar Samana dated 18-08-23 and wrote "Incharge Chowki Gajewas to verify the facts and put up report, sad/-station House Officer, sadar samana", whereupon, the Chowki Incharge dajewas marked the complaint vide No.24/SP/PP Gajewas dated 23-05-2023 and wrote "ASI Shamsher singh No.849/Ptl. to inquire and sent necessary report for action. sd/-I/C PP Gajewas", whereupon, ASI Shamsher Singh No.849/Ptl. forwarded his Inquiry Report vide No.24/5P Chowki Gajewas dated 30-06-2023 by writing, "Sub: Report regarding Complaint No.185/SP/DSP/SNN dated 10-5-2023 from Daler singh son of Sohan Singh resident of Village Talwandi Nalik, Police Station Sadar Samana, District Patiala. Sir, it is requested that No.185/SP/DSP/SNN the Complaint 10-5-2023 from dated Daler Singh son of Sohan Singh resident of Village Talwandi Nalik, Police Station Sadar Samana, District Patiala against Baljinder Singh alias Harry son of Labh Singh resident of Bamna, Police StationSadar Samana, Bhupinder Singh son of Randhir Singh resident of Village Chambo, Tehsil and District Patiala and Lovely Singh son of Hansa Singh resident of Khatriwala alias Bhagwanpura was received for inquiry. The aforesaid Baljinder Singh alias Harry, Bhupinder Singh and Lovely Singh were issued Notice No.113/5A/Chowki Gajewas dated 26.05.2023 for 28.05.2023, Notice No.115/5A/Chowki Gajewas dated 30.05.2023 for 01.06.2023 and Notice No.117/5A/Chowki Gajewas dated 04.06.2023 for 06.06.2023. Baljinder Singh alias Harry did not find present in the house but his wife found present, who was made aware about the notice but the wife of aforesaid Baljinder Singh alias Harry refused to put signatures on the notice and said that whenever my husband will come, I inform him and Lovely Singh was also will not found present in the house and his father Hans Raj found present in the house, who disclosed that Lovely Singh has gone to some relatives and I will appear in the Chowki with him. Regarding the notice issued to Bhupinder Singh, Dhanwant Singh, the Sarpanch of Village Chambo was informed telephonically. But the aforesaid Baljinder Singh alias Harry. Lovely Singh and Bhupinder Singh did not join the inquiry of complaint, from which, it clearly reveals that Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh do not want to produce any witness or to lead any evidence regarding the allegations levelled against them. The complainant and the witnesses were joined into the inquiry and recorded their statement, which



are as under: -Statement of Daler Singh son of Late Sohan Singh resident of Village Talwandi Malik, Police Station Sadar Samana, District Patiala. Stated that I am resident of above mentioned address and is an agriculturist. I have one combine machine. I planned to purchase one more combine, following which, on 07.03.2023, I was asked by Lovely son of Hansa Singh resident of Khatriwala that Baljinder Singh Harry son of Labh Singh resident of Bamna, who has a finance company at Village Bamna itself under the name of "Bamna Finance Company", who in collaboration with one more person, namely, Bhupinder Singh of Randhir Singh resident of village Chambo, Tehsil and District Patiala had purchased a combine machine, make Vishal 435, model 2018. Now Baljinder Harry and Bhupinder Singh have put the said combine for sale and I will get your deal finalized. He said to accompany with him to meet the persons and to show the machine. Following the same, I called my relative Birbal Singh son of Sadhu Singh resident of Akbarpur, Tehsil Bhawanigarh, District Sangrur, who came to at Village and Ve the trio reached village Bamna, where, Lovely got introduced with Baljinder Harry and Lovely and Baljinder asked Us that the machine in lying parked at Village Daba (Gubla) District Kaithal, Haryana, let us show you the combine machine. Thereafter, we along with Baljinder Singh and his uncle Surjeet Singh vest to Village respective motorcycles Daba for OR seeing the machine. Lovely did not accompany us. At Village Daba, Baljinder Harzy shown us a combine machine, make Vishal 435, Model 2018 bearing registration No. KRG574345 me lying parked in the house of Sandeep Singh son of Jagroop Singh resident of Daba (Guhla), District Kaithal and also shown us the R.C. of the same duly prepared in the year 2019 and which was in the name of Sandeep Singh son of Jagroop Singh resident of Daba, Tehsil Guhla, District Kaithal. Thereafter, Lovely also came there. They asked from us that do you like the machine. In reply thereto, we said that yes, we like the machine and we clicked the photos of the combine machine and R.C. Thereafter, Baljinder Harry and Lovely asked us that let us go to village, we will sit there and will finalize the deal there. Thereafter, we came to the office of Finance Company B.H.R. Finance Co. of Baljinder Singh Harry at Village Bamna, where, the deal was finalized between us for Rs.11 Lakhs 70 Thousand and I paid Rs.70 Thousand as token money to Baljinder Singh Harry and Lovely in the presence of my relative, who acknowledge Receipt No.101 dated 07.03.2023 of Finance Company B.H.R. Finance Co. in my name by writing thereupon the balance amount of Rs.11 Lakhs after deducting Rs.70 Thousand out of Rs.11 Lakh 70 Thousand and Baljinder Singh Harry and Lovely affixed their signatures thereupon. His uncle Surjeet Singh and I affixed my thumb impression. The receipt is available with me. Thereafter, on 08.03.2023, Baljinder Singh Harry and Lovely received Rs.30 Thousand more from me in their office, which he acknowledged the same on the same receipt on 09.03.2023 by writing thereupon the balance amount of Rs.10 Lakhs 70 Thousand. Baljinder Singh Harry said me that you arrange the balance payment and the machine will be delivered to you. Thereafter, Baljinder Singh Harry called me to his house at Village Bamna on different dates and made excuses one after another on the pretext that today these documents of the machine are to be got prepared and kept on receiving money from me. Whenever, used to I visit to give this money, then Lovely also used to accompany with me and my relative Birbal also used to go with me. In this manner, Baljinder Singh Harry had received Rs.3 Lakhs 60 Thousand from me and whenever I used to say that my balance payment is also ready, receive that and deliver the machine to me, then Harry used to skip away on one pretext or the other. Thereafter on 29.03.2023, Baljinder Singh Harry again called me at Patiala to get the writing executed from Advocate and bring the balance payment and you will be delivered the machine. Thereafter, I and my relative Birbal came to village Bamna, from where, Harry took us to Patiala Court in the case. Lovely was also with us. There Bhupinder Singh met us, who executed there the writing



with us and received Rs.2 Lakhs from me and said that you will be delivered machine at Samana. We came to Samana and kept on waiting for a long, following which, we called them and they said that the machine is arriving. We returned back home after waiting. evening, I received Thereafter in the phone call from Bhupinder Singh to ask as to whether I have Rupees One Lakh, then I said that yes I have, come to home and I asked about machine, who said that I have to use the money to get the tyres of the machine changed and the machine will reach you in the morning. He called me after arriving at Gajewas Petrol pump to say that I am standing at the pump. I said come to home, he said No, you come to petrol pump. arrived at I Petrol pump with my relative Birbal, where, Bhupinder Singh was standing with some unknown person. We gave money to Bhupinder Singh at the pump, of whom, we also captured video on phone while counting the money. Thereafter, one day, Bhupinder Singh called me to say that the machine has stopped. I am sending you an account number, deposit Rs.10 Thousand therein. On the asking of Bhupinder Singh, I deposited Rs.10 Thousand into his account. Thereafter, many days passed. However, Baljinder Singh Harry, Bhupinder Singh and Lovely kept on lingering me on the pretext that machine will be delivered today OΣ tomorrow. We kept on visiting the house and office of Baljinder Singh alias Harry. Also calls were made to Bhupinder Singh, the recordings of which are also available with me. Bhupinder Singh was residing in his in-laws house at Village Khetla, Police Station Dirba. We also kept on visiting there. I also kept on visiting the house of Lovely, but the aforesaid persons did not cooperate with us. The trio of Baljinder Singh alias Harry, Lovely and Bhupinder Singh has duped me Thousand by not of Rs.6 Lakhs 70 delivering the combine machine to me. Now I learnt that Baljinder Singh Harry has constituted which, a gang, in several other persons could also have involvement. Baljinder Singh Harry, Lovely and Bhupinder Singh used to cheat the innocent people like this, who have also defrauded other people on account of delivery of combine machines and extending loan thereof. Take legal action against Baljinder Singh alias Harry, Lovely and Bhupinder Singh. Statement of Birbal Singh son of Sadhu Singh resident of Akbarpur, Police Station Bhawanigarh, District Sangrur. Stated that I am resident of above mentioned address and is a laborer. My relative Daler Singh son of Late Sohan Singh resident of Village Talwandi Malik, Tehsil Samana, District Patiala operates combine machine, who has already a combine machine. On 07.03.2023, he called me and said that I am purchasing one more combine machine. We have to go for a look of the same, you come to village, following which, I came to Daler Singh's house, from where, I along with Daler Singh and one boy namely Lovely Village resident Bamna, of Khatriwala went to where, we were got introduced with Baljinder Singh Harry son of Labh Singh resident of Bamna, who is running a finance company in the name "Bamna Finance Company" at of Village Bamna and we were asked by Lovely and Baljinder Harry that Lovely and Baljinder asked us that the machine is lying parked at Village Daba (Guhla) District Kaithal, Haryana, let us show you the combine machine. Thereafter, we along with Baljinder Singh and his uncle Surjeet Singh went to Village Daba on our respective motorcycles seeing the machine. Lovely did for not accompany us. At Village Daba, Baljinder Harry shown us a combine machine, make Vishal 435, Model 2018 bearing registration No.HR09F6965 lying parked in the house of Sandeep Singh son of Jagroop Singh resident of Daba (Guhla), District Kaithal and also shown us the R.C. of the same duly prepared in the year 2019, which was in the name of Sandeep Singh son of Jagroop Singh resident of Daba, Tehsil Guhla, District Kaithal. Thereafter, Lovely also came there. They asked from us that do you like the machine. In reply thereto, we said that yes, we like the machine and we clicked the photos of the combine machine and R.C. Thereafter, Baljinder Harry and Lovely asked us that let us go to village, we will sit there and will finalize the deal there. Thereafter, we came to the office of Finance Company



B.H.R. Finance Co. of Baljinder Singh Harry at Village Bamna, where, the deal was finalized between us for Rs.11 Lakhs 70 Thousand and my relative paid Rs.70 Thousand as token money to Baljinder Singh Harry and Lovely in my presence, who acknowledge Receipt No.101 dated 07.03.2023 of Finance Company B.H.R. Finance Co. in the name of my relative Daler Singh by writing thereupon the balance amount of Rs.11 Lakhs after deducting Rs.70 Thousand out of Rs.11 Lakh 70 Thousand and Baljinder Singh Harry and Lovely affixed their signatures thereupon. His uncle Surjeet Singh and my relative Daler Singh affixed their respective thumb impressions. Thereafter, on 08.03.2023, Baljinder Singh Harry and Lovely received Rs.30 Thousand more from Daler Singh in their office, which he acknowledged the same on the same receipt on 09.03.2023 by writing thereupon the balance amount of Rs.10 Lakhs 70 Thousand. They said us that you arrange the balance payment and the machine will be delivered to you. But Baljinder Singh Harry kept on lingering my relative and me and kept on receiving money from him on different dates, who had received Rs.3 Lakhs 60 Thousand from my relative as of now. Thereafter, Baljinder Singh Harry and Lovely taken me and my relative to Patiala Court, where, Bhupinder Singh met us, who said that he and Baljinder Singh have share in the machine. They executed a writing with my relative Daler Singh and received Rs.2 Lakhs in my presence and asked to deliver the machine at Samana. But neither they came there and nor the machine arrived. Thereafter on the same evening, Bhupinder Singh called my relative and me at Gajewas Petrol Pump and received Rs.1 Lakhs to get the tyres of the machine changed, of whom, I had captured a video while counting the money. I have also captured a video of Baljinder Singh Harry while counting the money. In this manner, the aforesaid three persons received Rs.6 Lakhs 70 Thousand from my relative Daler Singh on the pretext of daily excuses and did not deliver the combine machine. I have their recordings while talking with me over the phone. Thereafter several days passed. However, Baljinder Singh Harry, Bhupinder Singh and Lovely kept on lingering me and my relative Daler Singh on the pretext that machine will be delivered today or tomorrow. We kept on visiting the house and office of Baljinder Singh alias Harry, also calls were made to Bhupinder Singh, the recordings of which are also available with me. Bhupinder Singh was residing in his in-laws house at Village Khetla, Police Station Dirba. We also kept on visiting there. We also kept on visiting the house of Lovely, but the aforesaid persons did not cooperate with us. The trio of Baljinder Singh alias Harry, Lovely and Bhupinder Singh has duped Daler Singh of Rs.6 Lakhs 70 Thousand by not delivering the combine machine to Daler Singh. Now we learnt that Baljinder Singh Harry has constituted a gang, in which, several other persons could also have involvement. Baljinder Singh Harry, Lovely and Bhupinder Singh used to cheat the innocent people like this, who have also defrauded other people on account of delivery of combine machines and extending loan thereof. Take legal action against Baljinder Singh alias Harry, Lovely and Bhupinder Singh. From my open and secret inquiry conducted as of now and statements of witnesses and from the evidence SO produced, it revealed that Baljinder Singh alias Harry son of Labh Singh resident of Bamna, Police Station Sadar Samana, Bhupinder Singh son of Randhir Singh resident of Chambo, Tehsil and District Patiala and Lovely Singh son of Hansa Singh resident of Khetriwala alias Bhagwanpura showed combine machine to complainant Daler Singh son of Sohan Singh resident of Village Talwandi Malik, Police Station Sadar Samana, District Patiala and finalized deal for Rs.11 Lakhs 15 Thousand, received Rs.6 Lakhs 70 Thousand from complainant Daler Singh, handed over him duly prepared fake receipt and gave one self-declaration in the name of Baljinder Pal Singh son of Laljeet Singh resident of Bahmna, in which Baljinder Singh alias Harry has not mentioned his correct name, regarding receiving money from the complainant Daler Singh, whereas, they have not delivered any combine to



Daler Singh. From which, it clearly reveals that Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh by showing fake receipt to Daler Singh and by giving self declaration have played a fraud with Daler Singh, regarding which, from the evidence in the form of photos and Pen Drive produced by Daler Singh, the clear act of playing fraud by the aforesaid persons is made out. Since Baljinder Singh alias Harry is habitual of playing fraud with the innocent people, against whom, earlier also, cases including FIR No.86 dated 31.05.2013 u/s 420 IPC, Police Station city Samana, FIR No.128 dated 207 dated 22.11.2013 u/s 420 IPC, Police Station Sadar Samana, FIR No.60 dated 08.05.2016 u/s 420 IPC, Police Station Sadar Samana, FIR no.128 dated 13.06.2020 u/s 420 IPC, Police Station Sadar Samana, FIR No.20 dated 14.03.2020 u/s 420, 465, 468, 471 IPC, Police Station Chajli, District Sangrur, FIR No.72 dated 24.04.2023 u/s 420 IPC, Police Station Sadar Samana are registered and against Baljinder Singh alias Harry and Bhupinder Singh, FIR No.62 dated 14.05.2023 u/s 406, 420, 120B IPC, Police Station Kotwali, Nabha stands registered. The commission of offence under section 420, 467, 468, 471 IPC is made out against Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh. For the time being, no involvement of Sandeep Singh son of Jagroop Singh resident of Daba and Bahadar Singh resident of Fateh Majri revealed. During the investigation, if any such involvement comes forth, then action will be taken against them accordingly. Therefore, if the report is accepted, it be ordered to register a case against Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh and to investigate the matter, so that the other people could be saved from fraud at the hands of Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh. Report submitted for appropriate orders. Sd/-ASI Shamsheer Singh no.849/Ptl. Chowki Gajewas, dated 30-06-2023. The Incharge Police Chowki Gajewas expressed his agreement with the report of inquiry officer and sent his report to Station House Officer, Police Station Sadar Samana vide No.24/5P/Chowki Gajewas dated 30-06-2023. The Station House Officer, Police Station Sadar Samana expressed his agreement with the report of Incharge Police Chowki Gajewas and sent his report to Deputy Superintendent of Police, Samana vide No.99/5P/Police Station Sadar Samana dated 19-08-2023, whereupon, while forwarding his inquiry report by Deputy Superintendent of Police, Samana to Senior Superintendent of Police, Patiala vide No.185/P/DSP/Samana dated 15-09-2023, wrote, he "No.185/P/D.S.P Samana dated 15-9-2023. Sub: Report regarding complaint from Daler Singh son of Sohan Singh resident of Talwandi Malik, Tehsil Samana, District Patiala. Sir,. it is requested inquiry of enclosed No.185/5P/DSP/SMN dated that the Complaint 10-5-2023 from Daler Singh son of Sohan Singh resident of Village Talwandi Malik, Police Station Sadar Samana, District Patiala against Baljinder Singh alias Harry son of Labh Singh resident of Bamna, Police Station Sadar Samana, Bhupinder Singh son of Randhir Singh resident of Village Chambo, Tehsil and District Patiala and Lovely Singh son of Hansa Singh resident of Khatriwala alias Bhagwanpura got carried out from Station House Officer, Police Station Sadar Samana. The opposite party Baljinder Singh alias Harry, Bhupinder Singh and Lovely Singh were issued Notices to join the inquiry. Baljinder Singh alias Harry did not find present in the house but his wife refused to put signatures on the notice and said that whenever my husband will come, I will inform him and Lovely Singh was also not found present in the house and his father Hans Raj found present in the house, who disclosed that Lovely Singh has gone to some relatives and I will appear in the Chowki with him. Regarding the notices issued to Bhupinder Singh, Dhanwant Singh, the Sarpanch of Village Chambo was informed telephonically. They did not join the inquiry of complaint. The complainant party was joined into the inquiry and recorded statements, which are enclosed herewith. As per the report of Station House Officer, Sadar Samana, the opposite party Baljinder Singh alias Harry son of Labh Singh resident of Bamna, Police Station Sadar Samana,



Bhupinder Singh son of Randhir Singh resident of Chambo, Tehsil and District Patiala and Lovely Singh son of Hansa Singh resident of Khetriwala alias Bhagwanpura showed combine machine to complainant Daler Singh son of Sohan Singh resident of Village Talwandi Malik, Police Station Sadar Samana, District Patiala and finalized deal for Rs.11 Lakhs 15 Thousand, received Rs.6 Lakhs 70 Thousand from complainant Daler Singh, handed over him duly prepared fake receipt and gave one self-declaration in the name of Baljinder Pal Singh son of Laljeet Singh resident of Bahmna, in which Baljinder Singh alias Harry has not mentioned his correct name, regarding receiving money from the complainant Daler Singh, whereas, they have not delivered any combine to Daler Singh. From which, it clearly reveals that Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh by showing fake receipt to Daler Singh and by giving self declaration have played a fraud with Daler Singh, regarding which, from the evidence in the form of photos and Pen Drive produced by Daler Singh, the clear act of playing fraud by the aforesaid persons is made out. Since Baljinder Singh alias Harry is habitual of playing fraud with the innocent people, against whom, earlier also, cases including FIR No.86 dated 31.05.2013 u/s 420 IPC, Police Station City Samana, FIR No.128 dated 207 dated 22.11.2013 u/s 420 IPC, Police Station Sadar Samana, FIR NO.60 dated 08.05.2016 u/s 420 IPC, Police Station Sadar Samana, FIR no.128 dated 13.06.2020 u/s 420 IPC, Police Station Sadar Samana, FIR No.20 dated 14.03.2020 u/s 420, 465, 468, 471 IPC, Police Station Chajli, District Sangrur, FIR No.72 dated 24.04.2023 u/s 420 IPC, Police Station Sadar Samana are registered and against Baljinder Singh alias Harry and Bhupinder Singh, FIR No.62 dated 14.05.2023 u/s 406, 420, 120B IPC, Police Station Kotwali, Nabha stands registered. From the inquiry, after registration of case under section 467, 468, 471 420, IPC against the opposite party Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh, it is required to carry out investigation. For the time being, no involvement of Sandeep Singh son of Jagroop Singh resident Bahadar Singh resident of of Daba and Fateh Majri revealed from the inquiry. During the investigation, if any such involvement comes forth, then action will be taken against them accordingly. Therefore, if the report register is a alias Harry, accepted, it be ordered to case against Baljinder Singh Lovely Singh and Bhupinder Singh u/s 420, 467, 468, 471 IPC and the Station House Officer, Police Station Sadar Samana be investigate given appropriate orders the Superintendent of to matter. Sd/-Deputy Police, Samana. Whereupon, the Worthy Senior Superintendent of Police, Patiala vide No.10363/Peshi dated 09-12-2023 wrote that, "SP Operations for Comments Sd/-Sr. Superintendent Police of Patiala.", whereupon, while forwarding his inquiry report Superintendent of to Police, Patiala No.383/C/S.P/Operations/Patiala dated 12-2023, the Superintendent Operations Patiala wrote, requested that of "Sir, Senior vide 30-Police it is the enclosed Complaint No.10362/Peshi dated 09/12/2023 from Daler Singh on the subject cited above, was received in this office from your office for comments on the inquiry report. As per the report Police, of Samana, Deputy Superintendent the of opposite party Baljinder Singh alias Harry son of Labh Singh resident of Bamna, Police Station Sadar Samana, Bhupinder Singh son of Randhir Singh resident of Chambo, Tehsil and District Patiala and Lovely Singh son of Hansa Singh resident of Khetriwala alias Bhagwanpura showed combine machine to complainant and finalized deal for Rs.11 Lakhs 15 Thousand, received Rs.6 Lakhs 70 Thousand from complainant, handed over him duly prepared fake receipt and by giving one self-declaration in the name of Baljinder Pal Singh son of Laljeet Singh resident of Bahmna, in which Baljinder Singh alias Harry has not mentioned his correct name, regarding receiving money from the complainant Daler Singh, whereas, they have not delivered any combine complainant Daler Singh. From which, to it clearly reveals that Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh by showing fake receipt to Daler Singh and by



giving self declaration have played a fraud with Daler Singh. The opposite party Baljinder Singh alias Harry is habitual of playing fraud with the innocent people, against whom, earlier also, cases including FIR No.86 dated 31.05.2013 u/s 420 IPC, Police Station City Samana, FIR No.128 dated 207 dated 22.11.2013 u/s 420 IPC, Police Station Sadar Samana, FIR No.60 dated 08.05.2016 u/s 420 IPC, Police Station Sadar Samana, FIR no.128 dated 13.06.2020 u/s 420 IPC, Police Station Sadar Samana, FIR No.20 dated 14.03.2020 u/s 420, 465, 468, 471 IPC, Police Station Chajli, District Sangrur, FIR No.72 dated 24.04.2023 u/s 420 IPC, Police Station Sadar Samana are registered and against Baljinder Singh alias Harry and Bhupinder Singh, FIR No.62 dated 14.05.2023 u/s 406, 420. 120B IPC, Police Station Kotwali, Nabha stands registered. As per the report of Deputy Superintendent of Police, Samana, after registration of case under section 420, 467, 468, 471 IPC against the opposite party Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh, it is required to carry out investigation and no involvement of Sandeep Singh son of Jagroop Singh resident of Daba and Bahadar Singh resident of Fateh Majri revealed from the inquiry. During the investigation, if any such involvement comes forth, then action will be taken against them accordingly. As per the report of Deputy Superintendent of Police, Samana, if the report is accepted, it be ordered to register a case against Baljinder Singh alias Harry son of Labh Singh resident of Bamna, Lovely son of Hansa Singh resident of Khatriwala alias Bhagwanpura, Tehsil Samana and Bhupinder Singh son of Randhir Singh resident of Village Chambo, District Patiala u/s 420, 467, 468, 471 IPC and the Station House Officer, Police Station Sadar Samana be given appropriate orders to investigate the matter. Sd/-Superintendent of Police, Operations, Patiala. Thereupon the worthy Senior Superintendent of Police, Patiala vide No.10362/Peshi dated 11-05-2024 wrote "DA Legal Ptl. for Opinion Sd/-Sr. Superintendent of Police Patiala, whereupon D.A. Legal Sahib Patiala gave his opinion vide No.220/DA/L dated 07-06-2024, Regarding Complaint No.10362/Peshi "Sub: dated 13-5-2024 from Daler Singh son of Sohan Singh resident of Village Talwandi Malik, Tehsil Samana, District Patiala. I have carefully perused the documents on the subject. As per the report of inquiry officer, the opposite party Baljinder Singh alias Harry son of Labh Singh resident of Bamna, Police Station Bhupinder Singh son of resident of Chambo, Tehsil Sadar Samana, Randhir Singh and District Patiala and Lovely Singh son of Hansa Singh resident of Khetriwala alias Bhagwanpura showed combine machine to complainant Daler Singh son Village of Talwandi Sohan Singh resident of Malik, Police Station Sadar Samana, District Patiala and finalized deal for Rs.11 Lakhs 15 Thousand, received Rs.6 Lakhs 70 Thousand from complainant Daler Singh, handed over him duly prepared fake receipt and gave one self-declaration in the name of Baljinder Pal Singh son of Laljeet Singh resident of Bahmna, in which Baljinder Singh alias Harry has not mentioned his correct name, regarding receiving money from the complainant Daler Singh, whereas, they have not delivered any combine to Daler Singh. As per the report of inquiry report, it clearly reveals that Baljinder Singh alias Harry, Lovely Singh and Bhupinder Singh by showing fake receipt to Daler Singh and by giving self declaration have played a fraud with Daler Singh, regarding which, from the evidence in the form of photos and Pen Drive produced by Daler Singh, the clear act of playing fraud by the aforesaid persons is made out. Since Baljinder Singh alias Harry is habitual of playing fraud with the innocent people, against whom, earlier also, cases including FIR No.86 dated 31.05.2013 u/s 420 IPC, Police Station City Samana, FIR No.128 dated 207 dated 22.11.2013 u/s 420 IPC, Police Station Sadar Samana, FIR No.60 dated 08.05.2016 u/s 420 IPC, Police Station Sadar Samana, FIR no.128 dated 13.06.2020 u/s 420 IPC, Police Station Sadar Samana, FIR NO.20 dated 14.03.2020 u/s 420, 465, 468, 471 IPC, Police Station Chajli, District Sangrur, FIR 24.04.2023 No.72 dated u/s 420 IPC,



Police Station Sadar Samana are registered and against Baljinder Singh alias Harry and Bhupinder Singh, FIR No.62 dated 14.05.2023 u/s 406, 420, 120B IPC, Police Station Kotwali, Nabha stands registered. For the time being, no involvement of Sandeep Singh son of Jagroop Singh resident Bahadar Singh resident of of Daba and Fateh Majri revealed from the inquiry. As per the report of inquiry officer, the opposite party Baljinder Singh alias Harry, Bhupinder Singh and Lovely Singh were issued Notices to join the inquiry. Baljinder Singh alias Harry did not find present in the house but his wife refused to put signatures on the notice and said that whenever my husband will come, I will inform him and Lovely Singh was also not found present in the house and his father Hans Raj found present in the house, who disclosed that Lovely Singh has gone to some relatives and I will appear in the Chowki with him. Regarding the notices issued to Bhupinder Singh, Dhanwant Singh, the Sarpanch of Village Chambo was informed telephonically. They did not join the inquiry of complaint. The inquiry officer has recommended to register a case against the opposite party Baljinder Singh alias Harry son of Labh Singh resident of Bamna, Police Station Sadar Samana, Lovely Singh son of Hansa Singh resident of Khetriwala alias Bhagwanpura and Bhupinder Singh son of Randhir Singh resident of Chambo, Tehsil and District Patiala u/s 420, 467, 468, 471 IPC and also wrote that during the investigation, if any of their involvement comes forth, then action will be taken against them accordingly. I have thoroughly perused the report of inquiry officer and the related documents. In my opinion, based on the above said report Officer, of Inquiry the thorough investigation is required to be conducted after registration of a case against the opposite party u/s 420, 467, 468, 471, 120B IPC. According to the evidence brought on file during the investigation, the offences and accused can be deleted or added. Report submitted. Sd/- Deputy District Attorney (Legal), Patiala. Thereupon, the Worthy Senior Superintendent of Police, Patiala vide No.10362/Peshi dated 01-10-2024 wrote "SHO PS Sadar Saman for n/a Sd/-Sr. Superintendent of Police, Patiala". Following the same, the above said case under offence above has been registered against the above said persons and record has been completed. Copies of FIRS are being sent to Illaqa Magistrate Sahib and higher officials through Dak. I/C Control Room Patiala is being informed through E-mail. Original complaint along with copy of FIR is being sent to ASI Baldev Singh No.887/FGS, Chowki Gajewas for further investigation. Closing of writing vide DDR No.25 dated 06-10-2024.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the FIR without having committed any offence, on the basis of a concocted story put forth by the complainant. Nothing is to be recovered from the petitioner. He further submits that the petitioner is willing to join the investigation.

Notice of motion.

**On behalf of the State**

On the asking of the Court, Mr. Jastej Singh, DAG, Punjab accepts notice on behalf of the respondent-State and submits that granting of anticipatory bail to the petitioner will defeat the right of the police to properly investigate the case. Thus, custodial interrogation of the petitioner is necessary to unearth the true facts.

4. Analysis

Be that as it may, considering the fact that the dispute, if any *prima facie* seems to be civil in nature, and therefore, since nothing seems to be recovered from the petitioner at the behest of investigating agency, wherein the inquiry would revolve around documentary evidence, and he is ready to join the investigation, custodial interrogation of the petitioner is not required.

5. Relief

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-



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(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
Judge

April 09, 2025

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Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No