



CRM-M-52077-2024 and another connected case

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

Date of Decision:- 13.01.2025

(1)

CRM-M-52077-2024

Upjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-57745-2024

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Harneet Singh Oberoi, Advocate
for the petitioner in CRM-M-52077-2024.

Mr. Aakash Singla, Advocate
for the petitioner in CRM-M-57745-2024.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Dinesh Trehan, Advocate
for the complainant in both cases.

AMARJOT BHATTI, J.(Oral)

1. The petitioner – Upjeet Singh has filed third petition, whereas, petitioner Mandeep Singh has filed second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 03 dated 08.01.2024 under Section 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Model Town, Ludhiana, District Police

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Commissionerate, Ludhiana. These petitions have arisen out of same FIR, therefore, both petitions are taken up together for disposal.

2. As per the facts of case, complainant Deepak Kathuria gave his statement that he is running a restaurant in the name of Lake House, South City, Ludhiana. Aniljit Singh is his maternal uncle. In the month of December, 2021, they met property dealer Tarun Taneja, Harvinder Singh Sachdeva and Parminder Singh Sachdeva who showed them property bearing SCO No. 105, Phase-I, Urban Estate, Dugri, Ludhiana, area 331.58 sq. yards. They were told that this property was for sale at a reasonable price. Complainant and his uncle Aniljit Singh liked property as they wanted to build a restaurant. They asked about documents of SCO No. 105 and they were told that said property was in the name of Mandeep Singh (petitioner) s/o Gurcharan Singh r/o House No. 395/7, Jatta Wala Chauntra, Patiala, presently resident of Phulawal, Ludhiana. They were further told that Upjeet Singh (petitioner) and Naresh Kumar Sharma had acquaintance with Mandeep Singh and they also worked as property dealers and were well known to said Tarun Taneja and others. They met Mandeep Singh through them who showed them Registry of SCO No. 105 standing in his name having Wasika No. 2450 dated 25.05.2017 attested by Sub-Registrar, Ludhiana West, copy of allotment letter issued by GLADA and clearance certificate etc. Complainant party wanted to check documents from GLADA and on this Tarun Taneja, Harvinder Singh Sachdeva, Parminder Singh Sachdeva, Upjeet Singh (petitioner) and Naresh Kumar Sharma told them that they had already checked documents so they should not worry about it. They further told them that they will go to GLADA to check

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documents. Harvinder Singh Sachdeva told them that he was having all original documents of said property. Complainant party believed Harvinder Singh Sachdeva and Parminder Singh Sachdeva and consequently entered into an agreement to sell with Mandeep Singh for a total sum of Rs. 5 crore 50 lacs regarding said property and paid Rs. 1 crore 25 lacs to Mandeep Singh as earnest money in presence of said property dealers. After the said agreement, on their repeated requests, Tarun Taneja, Parminder Singh Sachdeva, Upjeet Singh (petitioner), Naresh Kumar Sharma took them to the office of GLADA, Ludhiana to get documents checked. Therefrom, Amit Kumar who was working as Computer Operator at GLADA office and another Computer Operator sitting with him checked documents of SCO No. 105 and confirmed that as per record, it was in the name of Mandeep Singh s/o Gurcharan Singh resident of Patiala. Thereafter, on 28.06.2022, Mandeep Singh executed sale deed bearing Wasika No. 2022-23/101/1/3353 in favour of complainant and his uncle Aniljit Singh in which Tarun Taneja, Naresh Kumar Sharma, Upjeet Singh (petitioner), Harvinder Singh Sachdeva testified as witnesses and total consideration of Rs. 5 crore 50 lacs for said SCO was received by Mandeep Singh (petitioner), Tarun Taneja, Harvinder Singh Sachdeva, Parminder Singh Sachdeva, Upjeet Singh (petitioner), Naresh Kumar Sharma, Harjinder Kang, Vijay alias Sonu Mahajan, Deepak Ahuja, Ladi and Manish Puri. Thereafter, Amit Kumar working at GLADA at the instance of Harvinder Singh Sachdeva and Upjeet Singh (petitioner) provided transfer letter regarding SCO No. 105 in their name from GLADA department. In the year 2023, they came to know that SCO No. 105 was never sold/allotted to

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any person by GLADA. They again checked record from GLADA and came to know that all aforesaid persons in consultation with each other created fake Registry/stamp paper and other documents in the name of Mandeep Singh (petitioner) regarding SCO No. 105 and sold the same and in this way cheated them for aforesaid huge amount. With these allegations, present FIR was registered.

3. Learned counsel representing petitioner Upjeet Singh in CRM-M-52077-2024 raised the issue that challan has been presented in the Court on 08.04.2024 and case is triable by Magistrate. Till date, no witness has been examined. Present petitioner is in custody since January, 2024. Trial in this case may take long time. Apart from this, there is an unexplained delay of two years in lodging FIR which is evident from the facts of case. No proper investigation was carried out. Present petitioner is a stamp vendor by profession and copy of his license is Annexure P-3. Except providing stamp papers to both parties, present petitioner Upjeet Singh has no role to play. Investigating Agency claimed recovery of Rs. 18 lacs from present petitioner and they also recovered some registered sale deeds from his residential accommodation. In-fact, petitioner had received Rs. 18 lacs for purchasing of stamp papers to prepare sale deeds. He is not beneficiary in transaction nor he received any amount. He has no concern regarding alleged fraud committed by other accused. Senior officials of GLADA are not arrayed as accused. He is ready to abide by terms of bail order. Therefore, his regular bail petition may be allowed.

4. Learned counsel representing petitioner Mandeep Singh in CRM-M-57745-2024 argued that present petitioner is behind the bars since

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04.02.2024. Case is triable by Magistrate. There is delay of two years in lodging FIR. Allegations levelled in FIR are vague. Petitioner is ready to abide by terms of bail order imposed by this Court. Therefore, his regular bail petition may be allowed.

5. Learned counsel representing State filed status report(s) in both cases. Learned State counsel assisted by complainant's counsel took the stand that both petitioners are specifically named and specific role is attributed to them. Complainant and his uncle were cheated by sale of SCO No. 105 on the basis of fake documents which never belonged to petitioner Mandeep Singh. Challan in this case has been presented against petitioners and other co-accused on 19.04.2024 and charges were framed on 19.11.2024. Petitioner Upjeet Singh is involved in another FIR No. 18 dated 13.02.2024 under Section 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Dugri, Ludhiana. Whereas, there are serious allegations against Mandeep Singh who presented himself to be the owner of SCO No. 105 on the basis of fake title documents and all accused in connivance with each other further sold the same to complainant and his uncle, thus, misappropriated huge amount. Considering the specific allegations and gravity of offence, petitioners are not entitled to be released on regular bail.

6. I have considered the arguments and have gone through the record. This is third regular bail petition filed by petitioner Upjeet Singh and earlier two bail petitions were dismissed as withdrawn vide CRM-M Nos. 16022-2024 and 31903-2024, decided on 20.05.2024 and 31.08.2024 respectively (Annexures P-4 and P-5). On the other hand, petitioner

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Mandeep Singh has filed second regular bail petition as first bail petition was dismissed as withdrawn vide CRM-M No. 30216 of 2024, decided on 31.08.2024 (Annexure P-4). As per status report filed in CRM-M-57745-2024, challan has been presented in said FIR against petitioners alongwith other co-accused on 19.04.2024 and charges have also been framed on 19.11.2024 and now case is pending before trial Court for prosecution evidence.

I have considered the facts narrated in FIR which is registered on the statement of complainant Deepak Kathuria, who alongwith his uncle Aniljit Singh were shown property bearing SCO No. 105, Phase-I, Urban Estate, Dugri, Ludhiana by property dealers Tarun Taneja, Harvinder Singh Sachdeva and Parminder Singh Sachdeva, allegedly owned by petitioner Mandeep Singh. It was further alleged that petitioner Upjeet Singh and Naresh Kumar Sharma knew petitioner Mandeep Singh who were also working as property dealers and ultimately, complainant and his uncle met Mandeep Singh who showed them registry of SCO No. 105, allotment letter issued by GLADA and clearance certificate in his favour. Complainant and his uncle tried to check the record from the office of GLADA where the aforesaid persons took him to the office of GLADA where Amit Kumar working at GLADA alongwith another official confirmed title of Mandeep Singh pertaining to SCO No. 105. In pursuance of this, agreement to sell was executed and ultimately sale deed was executed in favour of complainant and his uncle for a huge sum of Rs. 5 crore 50 lacs. Thereafter, it was revealed that SCO No. 105 referred above was never allotted to anybody by GLADA.

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In the light of aforesaid factual position, petitioners Upjeet Singh and Mandeep Singh are attributed specific role and huge amount is involved in this case. Trial is at initial stage. After framing of charge sheet, statement of complainant is yet to be recorded. Considering the aforesaid factual position and the organized manner in which offence has been committed, I do not find a fit case for grant of regular bail to petitioners Upjeet Singh and Mandeep Singh, at this stage. Resultantly, petitions filed by petitioner Upjeet Singh in CRM-M-52077-2024 and petitioner Mandeep Singh in CRM-M-57745-2024 are accordingly, dismissed.

7. Pending miscellaneous application(s), if any, in both cases, stand disposed of accordingly as well.

8. A photocopy of this order be placed on the file of connected case mentioned above.

13.01.2025

*lalit***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No