

**In the court of Sardar Harjeet Singh, Additional Sessions Judge,
Moga. (UID No.PB0131)**

CIS No.BA/3015/2024
CNR No.PBMO010074892024
Date of Order:- 15.01.2025

Bikram Singh son of Mukhtiar Singh, resident of Near Airtel Tower,
Bughipura, District Moga.

....Accused/Applicant

Versus

State of Punjab

FIR No.266 dated 20.12.2024,
Under Section: 318,336,338,340,61(2) BNS (Old
Sections 420,467,468,470,471,120-B IPC)
Police Station :- City Moga.

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Bail Application under Section 482 BNSS.

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Present :- Shri Amandeep Singh Adiwal, Additional Public Prosecutor for the
State
Shri Rupinder Singh Brar, Advocate for complainant.
Shri Gagandeep Singh, Advocate for accused/applicant.

ORDER

Police record was summoned and received.

Learned counsel for accused/applicant has argued that the accused/
applicant has been falsely implicated in the case in hand. He has only
identified the witnesses of the sale deeds. He is neither a beneficiary nor any
role to play in the commission of offence. There is no impersonation or he has
identified wrong person. Accused/applicant is ready to join the investigation.
His custodial interrogation is not required and prayed that accused/applicant
be granted anticipatory bail.

On the other hand, learned Additional Public Prosecutor for State
assisted by learned counsel for complainant argued that serious allegations

have been levelled against the accused/applicant. The accused/applicant is part of the gang, who used to misappropriate the properties of the NRIs. It is not a fit case, where concession of anticipatory bail can be given to the accused/applicant, rather his custodial interrogation is required. Lastly, he prayed that bail application be dismissed.

I have considered the submissions of learned counsel for accused/applicant and learned Additional Public Prosecutor for the State assisted by learned counsel for complainant.

Perusal of record shows that present FIR was registered on the basis of complaint moved by Harinder Singh Gill son of Balwant Singh addressed to the Senior Superintendent of Police, Moga for registration of criminal case against Sukhwinder Singh son of Ram Singh; Charanjit Kaur widow of Ram Singh; Gurbinder Singh Dhaliwal son of Joginder Singh; Mayank Bansal son of Rattan Bhushan Bansal son of Hem Raj; Honey Singla son of Tarsem Chand; Hitesh Goyal son of Rakesh Goyal; Nirmal Singh, Ex-sarpanch son of Dalwara Singh; Bikram Singh, Ex-Member Panchayat son of Mukhtiar Singh; and Parminder Pal Singh, Numberdar son of Hari Singh. It is claimed that he has been authorized by Gurjinder Singh Dhaliwal son of Dr. Ram Singh. Said Gurjinder Singh Dhaliwal has plot measuring 16 marlas 6 in Khasra No.1520(1-5), Khewat No.1834, Khatauni No.2175 situated near Punjab National Bank in Moga Mehla Singh-I and another plot measuring 50 kanals 2-1/3 marlas in Khasra No.96//18(3-17), 19(8-0), 20/1(0-8), 20/2(7-12), 96//17/1(0-8), 17/2(0-8), 24(8-0), 105//4(8-0), 7/1(2-12), 7/8(2-16), 7/3(0-8), 7/4(0-8), 7/5(0-8), 7/6(0-4), 7/7(1-4), 14/1/1(0-16), 14/1/2(2-15), 11/25(2-4), 87/10/2(0-134), 36//26(0-16), 97//15/2(6-2) Khewat Nos.726, 627, 675, 815,

821, 967 Khatauni No.749, 750, 813, 994, 1001, 1210 as per jamabandi for the year 2021-22 situated in Village Dhalleke, Tehsil and District Moga to the extent of 1/3rd share. Due to dispute of land, Civil Court has granted stay on the said land and civil suits are still pending. Sukhwinder Singh son of Ram Singh and Charanjit Kaur widow of Ram Singh, with intention to usurp the property of Gurjinder Singh Dhaliwal, sold plot measuring 16 marlas 6 situated near Punjab National Bank, G.T.Road, Moga to Gurbinder Singh Dhaliwal son of Joginder Singh Dhaliwal; Mayank Bansal son of Rattan Bhushan Bansal; Honey Singla son of Tarsem Chand and Hitesh Bansal son of Rakesh vide Vasika No.2024-25/2/1/3666 dated 27.09.2024. Nirmal Singh and Parminder Pal Singh had attested said sale deed. Similarly, with intention to usurp the property of Gurjinder Singh Dhaliwal, Sukhwinder Singh son of Ram Singh and Charanjit Kaur widow of Ram Singh sold plot measuring 50 kanals 2-1/3 marlas situated in Village Dhalleke to above said four persons, vide Vasika No.2024-25/2/1/3696 dated 30.09.2024. Above said Bikram Singh and Parminder Pal Singh had attested said sale deed. It is worthwhile to mention here that abovesaid sellers Sukhwinder Singh, Charanjit Kaur, buyers namely Gurbinder Singh Dhaliwal, Mayank Bansal, Honey Sngla and Hltesh Goyal, attesting witnesses Nirmal Singh and Parminder Pal Singh as well as in the knowledge of revenue officials that there is stay granted by the court on both the properties. In spite of that, all the above said accused in criminal conspiracy with each other, had usurped the whole property of Gurjinder Singh Dhaliwal, for which, they had no right. Both sale deeds were registered in violation of instructions of Financial Commissioner, Punjab and road and street has been also sold vide both sale deeds. Gurjinder Singh was owner of

1/3rd share in the property. The accused have also violated stay order granted by the court. Without corruption, registration of above said sale deeds are not possible. Thus, inquiry be conducted into the matter.

Said complaint was marked to Superintendent of Police(H), Moga, who recorded the statements of the witnesses and submitted his report bearing No.355-PC-R-SP(H) dated 18.12.2024. On the basis of his report and after taking opinion from District Attorney (legal), Moga, present FIR was lodged.

Perusal of record shows that accused/applicant had identified the witnesses at the time of sale deeds in dispute. Neither he is beneficiary of the transactions nor there is allegations that there is any impersonation by the parties. In these circumstances, purpose will be served by directing applicant/accused to join the investigation. So, in the meantime, the applicant/accused is directed to join investigation with Investigating Officer/Arresting Officer and on his doing so, he shall be admitted to interim bail by Investigating Officer/Arresting Officer to his satisfaction, subject to compliance of provisions of Section 482(2) BNSS.

Now to come upon 23.01.2025 for awaiting compliance report and further arguments.

Pronounced.
15.01.2025.
(Jagjit Singh Panesar, Stenographer -I)

(Harjeet Singh)
Additional Sessions Judge,
Moga. ***(UID No.PB0131)***