

**In the Court of Sh.Gurmeet Tiwana, Judge, Special Court, Kapurthala
(UID No. PB-0249).**

CNR No. PBKP010006862025



Case No. BA/293/2025

Presented on : 13-02-2025
Registered on : 14-02-2025
Decided on : 20-02-2025

- 1. Swaran Singh (wrongly mentioned as Sarwan Singh in the FIR) son of Inder Singh, Aadhar No.5252-0369-1721.
- 2. Balvir Singh aged 69 years son of Mahinder Singh both residents of Village Rampur Jagir, Tehsil Sultanpur Lodhi, District Kapurthala, Aadhar No.5387-8811-1667.

.... Accused/applicants

Versus

State of Punjab.

..... Respondent.

FIR No.19 dated 09.02.2025.
Under Sections 420, 120-B IPC
P.S. Sultanpur Lodhi, District Kapurthala.

Application for bail under Section 482 BNSS.

Present: Sh.Inderjit Singh Thind, Advocate for the accused/applicants.
Sh.APS Dhillon, Id.Addl. Public Prosecutor for the State.

ORDER

Present bail application is filed by the accused-applicants Swaran Singh (wrongly mentioned as Sarwan Singh in the FIR) and Balvir Singh under Section 482 of BNSS.

- 2. Notice of the bail application was given to the State. No reply was filed by the State.
- 3. I have heard learned counsel for the accused/applicants and learned APP for the State and have gone through the record with their able assistance.
- 4. Learned counsel for the accused/applicants has argued that

Nirmal Singh son of Achar Singh, brother of the complainant in this case, namely Jaspal Singh son of Achar Singh, had executed an agreement to sell dated 13.08.2010 in favour of Baldev Kaur wife of Tarlochan Singh and Baljit Singh regarding sale of house measuring 0 Kanal-8 Marla bounded as East Kashmira Singh; West Jaspal Singh (complainant); North Road; South Balbir Singh son of Tara Singh. He resiled from his promise and Civil Suit for Specific Performance was filed. It was decided on 30.09.2015. Baldev Kaur and Baljit Singh filed execution and deposited the balance sale consideration. During the pendency of the appeal, Nirmal Singh executed the sale deed in favour of Baldev Kaur and also suffered statement before the Executing Court that he had delivered the possession. The Execution was satisfied. In this way, Baldev Kaur became owner in possession of the said 8 marlas land. Complainant is alleging that cheating was committed by Baldev Kaur in connivance with the other co-accused and Nirmal Singh. But the complainant himself had sold remaining 0 Kanal- 8 Marlas by way of an agreement in favour of Santokh Singh and Tarlok Singh. He had executed agreement dated 21.03.2011 with specific boundaries; East: Nirmal Singh; West Mohan Singh; North Road; South Swaran Singh and Gurdeep Singh. Even he resiled from his agreement, which forced Santokh Singh and Tarlok Singh to file civil suit, which was decreed vide judgment dated 11.07.2017. Sale deed in favour of Decree Holder was executed by the Court by appointing Sh.Nath Singh, Reader. Thus, complainant Jaspal Singh was also not having interest left in the said property but now he moved an application

questioning the sale deed No.423 dated 15.07.2016 executed in favour of Baldev Kaur in the execution. In the meantime, Baldev Kaur further sold the property. Now, all the subsequent vendors and witnesses have been arrayed as accused persons. There is no substance in the allegations but FIR is registered and the applicants are apprehending their arrest. Therefore, bail application be allowed and in the event of their arrest, they be released on bail.

5. On the other hand, learned Additional Public Prosecutor for the State has opposed the application and argued that there was a fraud played by Nirmal Singh and Baljit Singh on the Court. The agreement of sale was regarding 8 marlas house within the Lal Lakir but at the time of delivering of possession, possession was delivered out of Khasra No.151(0-16). Due to this connivance, complainant approached the Deputy Commissioner. Deputy Commissioner marked enquiry to Tehsildar, who verified the allegations to be correct. In this way, cheating has been committed. Despite having the knowledge of imperfect title, Baldev Kaur further transferred the land to Jugraj Singh @ Raju vide sale deed No.556 dated dated 14.09.2017. Thus, all the persons have conspired to usurp the property comprised in Khasra No.151(0-16). Thus, he is not entitled to bail.

6. After hearing rival contentions of both the parties, I have perused the file. Complainant in this case is Jaspal Singh. FIR is registered under Section 420 IPC. At no point of time, Jaspal Singh has alleged that he was induced by any of the accused persons or by any such

inducement, he had transferred any property or had done anything, which he would not have done, had there been no inducement. Thus, from the allegations made in the complaint, no offence of cheating has taken place with complainant Jaspal Singh. Jaspal Singh is acting as if the Courts have been duped while judgments were passed in favour of Baldev Kaur and against Nirmal Singh and also when judgment was passed against him in suit filed by Santokh Singh and Tarlok Singh. If there is any dispute regarding identity of the property, the effected persons have right to approach the executing Court and move appropriate application under Order 21 Rules 97, 99 or 101 of the CPC. The evidence to be collected in this case is documentary in nature. Accused-applicants are only witness to the sale deed. Thus, custodial investigation of the accused-applicants is not required in this case. Therefore, the present application is allowed. Accused/applicants shall join the investigation within 10 days and in the event of their arrest, Investigating Officer is directed to release them on bail, upon furnishing bail bonds/surety bonds to the satisfaction of the Investigating Officer. This order is subject to conditions under Section 482(2) of the BNSS, 2023. The accused/applicants shall co-operate with the investigation and shall not directly or indirectly influence any witness or tamper with the evidence.

7. The present bail application be consigned to the Judicial Record Room, Kapurthala.

Pronounced in open Court.
Dated:20.02.2025.

Mohinder Kumar

(Gurmeet Tiwana)
Additional Sessions Judge,
Kapurthala (UID No. PB-0249).