

**IN THE COURT OF MS. JATINDER KAUR,
SESSIONS JUDGE, FAZILKA (UID No. PB0062).**

CIS NO. BA/1783/2023.

Date of Instt: 23.08.2023.

CNR No. PBFZC0-004658-2023.

DATE OF ORDER: 31.08.2023.

1. Baaj Singh age about 71 years son of Sh. Kanshi Singh;
 2. Amarjeet Singh age about 31 years son of Sh. Baaj Singh;
 3. Sarabjeet Singh age about 29 years son of Sh. Baaj Singh;
 4. Karamjeet Singh age about 25 years son of Sh. Baaj Singh,
- all residents of village Parbhat Singh Wala Uttar Tehsil Jalalabad (West)
District Fazilka.

----Applicants-accused.

Versus

Chhambu Singh son of Kanshi Singh resident of village Parbhat Singh
Wala Uttar Tehsil Jalalabad District Fazilka.

-----Respondent-complainant.

Application for bail u/s 438 (i) Cr.P.C. in a complaint case
under sections 420, 465, 467, 468, 471, 120-B IPC, P.S. Sadar,
Jalalabad.

Present: Sh. Bakhshish Singh Advocate counsel for applicants-accused.
None for respondent-complainant.

ORDER

This order of mine shall dispose off present anticipatory bail
application U/S 438 (1) Cr.P.C. moved by the aforementioned applicants-
accused in a complaint case under sections 420, 465, 467, 468, 471, 120-B
IPC filed by the complainant Chhambu Singh on the allegations that
according to jamabandi for the year 2009-10, the father of complainant
namely Kashi Singh son of Wadhawa Singh was the owner of 5742871
share in the land measuring 143 kanals 11 marlas and Kanshi Ram had

been died and after his death, mutation of inheritance No.3374 dated 30.08.2010 was entered and sanctioned, which was equalized in the name of complainant, accused Baaj Singh along with their total 06 L.Rs. Baaj Singh in connivance with the witnesses prepared a forged transfer deed dated 17.08.2014 and gave it to accused no.3 – Revenue Patwari and he had no knowledge about the same and neither his signature or thumb impression upon the said document. As per said agreement, accused no.1 in connivance with accused Charanjit Singh Patwari has got done the mutation in his name in the revenue record on 25.09.2014. The said mutation No.3545 regarding transfer in which the name of accused no.1 Baaj Singh has been entered as owner of land bearing Rectangle No.31, killa No.10/2 (2-18) and Rectangle No.32, killa no. 6/1/2 (3-0), 6/2/2 (3-0), 7/2(6-0), 8/1/2 (3-16) total land measuring 18 kanal 14 marlas, whereas, his ownership area is 01 kanal 31/2 marlas. When the complainant came to know about the above said mutation, they moved an application to Tehsildar, Jalalabad that he is getting wrong mutation in his own name and the then Tehsildar has cancelled the said mutation. Thereafter, accused Baaj Singh filed an application for correction of girdawri bearing case No.240/AC-2 in the Court of accused no. 2 – Tehsildar Manjit Singh Bhandari, AC-2, Jalalabad in which all the accused in connivance with each other with intention to cause loss to the complainant by using forged and fabricated agreement without giving any summons/notice to complainant or anyone else within about 15 days had got transferred the girdawri of land measuring 22 kanals in the name of accused no. 1. It has been clearly mentioned in the order of the said Court that accused Baaj Singh has purchased the said area and the mutation has been sanctioned in the revenue record. Whereas the real facts are that the said accused has not

purchased any land and neither he has any ownership right. But as per jamabandi for the year 2009-10 of entire khewat No.356, the said accused is the owner of only 06 kanals and out of said 22 kanals, he is owner of only 03 kanals. The complainant has also filed an appeal bearing case no.22/Collector dated 12.08.2016 in the Court of SDM, Jalalabad, in which the Court passed an order that the appeal period has expired and thereafter, he moved an application to F.C.R., Chandigarh and the said FCR, Chandigarh forwarded his application to the Deputy Commissioner, Fazilka. The Deputy Commissioner, Fazilka has dismissed the order dated 15.09.2015 bearing case No. 240/AC-2 dated 15.07.2015 of the Court of Sh. Manjit Singh Bhandari, Assistant Collector cum Tehsildar Grade-II, Jalalabad vide his order dated 24.09.2019 and remanded back the said case. The accused in connivance with Patwari had got entered the mutation No.3545 on the basis of wrong facts. Rapat No.990/1 dated 26.08.2014 was entered in the roznamcha at the time of entering the mutation of transfer no.3545 by the revenue Patwari – accused Charanjit Singh. Therefore, the above said accused have prepared forged and fabricated transfer deed. Hence, the present complaint.

2. Notice of the bail application was given to the respondent-complainant. Despite service, none has appeared on behalf of respondent-complainant.

3. I have heard the learned counsel for the accused-applicants and also perused the record.

4. The learned counsel for the applicants-accused contended that a complaint titled as ‘Chhambu Singh versus Baaj Singh & others’ has been filed before the Illaqa Magistrate by the complainant by levelling false allegations against the applicants-accused. In the said complaint, the

applicants-accused have been summoned vide order dated 09.03.2023 under sections 420, 465, 467, 468, 471, 120-B IPC by the learned Trial Court. The applicants are ready to face trial before the learned Trial Court. The learned counsel for applicants-accused has thus, prayed for acceptance of the present anticipatory bail application.

On the other hand, there is no contest to the bail application as despite service, none has appeared on behalf of respondent-complainant.

5. Considering the facts and allegations levelled against the accused-applicants and that the applicants-accused have been summoned by the learned Trial Court to face trial under sections 420, 465, 467, 468, 471, 120-B IPC vide summoning order dated 09.03.2023 and that the applicants are ready to face trial, the applicants are directed to appear before the Trial Court within 07 working days from today and on their appearance, the court shall release them on bail to the satisfaction of the Trial Court/Duty Magistrate. Accordingly, present application is hereby allowed. Copy of this order be sent to the Trial Court.

6. Bail application file be consigned to the Record Room, Fazilka, after due compilation.

Sd/-

Pronounced
Dated: 31.08.2023.
'Bhola Shankar'
'Stenographer Gr.I'

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)

BA 1783 of 2023 Baaj Singh & others versus Chhambu Singh
CNR No. PBFZC0-004658-2023

Present: Sh. Bakhshish Singh Advocate counsel for applicants-accused.
None for respondent-complainant.

Record of learned Trial Court received and perused. Heard.
Vide my separate & detailed order of today, the bail application u/s 438 (1)
Cr.P.C. applied on behalf of aforementioned applicants-accused has been
disposed off, as recorded therein.

Bail application file be consigned to the Record Room,
Fazilka, after due compilation. Sd/-

Pronounced
Dated: 31.08.2023.

‘Bhola Shankar’
‘Stenographer Gr.I’

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)