

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

CRM-M-38585 of 2016

Date of Decision: March 27, 2017

Sukhdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. J.S. Brar, AAG, Punjab.

FATEH DEEP SINGH, J.

The allegations against the accused/petitioner Sukhdev Singh in this regular bail application under Section 439 Cr.P.C are that a written complaint was made by the complainant alleging that accused/petitioner Sukhdev Singh, Surinder Pal, co-accused/non-applicant and a person calling himself as a Varinder Bahadur alongwith Rajinder Singh @ Guddu and Tinku, all accused, offered to sell one plot to the complainant through the petitioner, who posed as a property dealer misrepresenting that he knew personally another property dealer Rajinder Singh @ Guddu and Tinku who can facilitate the same and a meeting was arranged between them and all of them assured of a plot to the complainant at a reasonable price from one Varinder Bahadur co-accused/non-applicant who has since remained elusive and in the process also arranged a meeting with alleged owner Varinder Bahadur and in the process a deal for sum of Rs.10 lacs was settled, out of which Rs.1,50,000/- through cheque and

Rs.50,000/- as cash was paid by the complainant to the accused and an agreement to sell was executed by Varinder Bahadur regarding plot measuring 4-2/3 Marlas situated in village Santemajra and subsequently after receiving balance amount a sale deed in favour of complainant bearing No.12493 dated 09.03.2012 was executed. It subsequently transpired that the same was an outcome of impersonation and fraud by Rajinder Singh @ Guddu, Tinku and two other unidentified persons along with present petitioner and that they have duped the complainant of his valuable money and fraudulently showed him mutation No.8360 of this property.

The bail application is sought to be pressed by the learned counsel for the petitioner on the grounds that no specific role has been attributed to the petitioner in commission of offence and that the petitioner is in custody since 25.6.2016 and that the trial is not likely to be concluded in near future.

The bail application is vehemently opposed by learned State counsel on the grounds that the petitioner has duped the poor person of his valuable money by not only committing fraud and cheating but as well as by impersonation and that if allowed bail, the petitioner would influence the witnesses.

Appreciating the submissions, it is well elicited in the allegations that the petitioner was the axis around which the entire scandal revolved and was instrumental in this fraud and that the apprehension of the State that if allowed bail the petitioner would certainly influence the witnesses is not unfounded.

Thus, in the light of the fact that such a evil design have

come about needs to be dealt with a heavy hand, whereby, poor innocent persons are being duped and fleeced by so called property dealers and that the seriousness of the allegations and heinousness of the offence does not calls for grant of relief to the petitioner.

Dismissed.

This Court has observed that the learned trial Court has proceeded ahead with the trial totally in oblivion that there is a deception played during the investigations as the very identity of the alleged Varinder Bahadur has remained elusive and neither the Magistrate in exercise of its powers under the Code of Criminal Procedure had enquired upon the fate of the investigations qua him and the same needs to be taken serious note of by the concerned Magistrate who seems to have been a mute spectator to all this. Copy of this order be also sent through the learned District and Sessions Judge with directions to ensure the concerned Court to ensure due administration of justice.

(FATEH DEEP SINGH)
JUDGE

March 27, 2017

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No