

Crl. Misc. No. M-50379 of 2018

Date of Decision: November 16, 2018

Surjit Singh and another

.....Petitioners

versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL**

Present: Mr. Parminder Singh, Advocate for  
Mr. G.S. Ghuman, Advocate  
for the petitioners

**Sudhir Mittal, J. (Oral)**

The petitioners seek grant of anticipatory bail in case FIR No. 91 dated 20.09.2018 under Sections 406, 420, 120-B IPC registered at Police Station Banur, District Patiala.

According to the contents of the FIR, petitioner No. 2 induced the complainant to purchase property belonging to one Avtar Singh. Earnest money was paid by the complainant in cash to enable said Avtar Singh to get the property redeemed from the Bank but he did not do so. On the date fixed for execution of the sale deed, he did not appear for getting the sale deed registered and thereafter the complainant learnt that the petitioners and the co-accused were members of a gang and are adopting this *modus operandi* to defraud unsuspecting members of the public.

Learned counsel for the petitioners submits that the petitioners are neither signatories to the alleged agreement to sell between the parties nor marginal witnesses. The money has been paid to aforementioned Avtar Singh and, thus, there is no wrong doing on the part of the petitioners. The observation of the trial Court that there are two other similar FIRs pending against the petitioners is incorrect

because in one case matter has been compromised and in the other case challan has not been presented till date.

The arguments of learned counsel for the petitioners are not convincing. There is a specific allegation that petitioner No. 2 induced the complainant to purchase the property of Avtar Singh. It is further alleged that both the petitioners are members of a gang and, thus, it can not be said that there is no allegation against the petitioners in the FIR. The mere fact that they are neither signatories nor they are marginal witnesses, is not sufficient to discharge them from their liabilities. The observation of the trial Court that two other similar cases are pending against the petitioners, can not be said to be wrong as admittedly one matter has been compromised and the other is still under investigation. The petitioners alongwith other co-accused have allegedly defrauded the complainant of a large amount of money by making a false representation and, thus, they do not deserve any discretionary relief.

The petition has no merit and is, accordingly, dismissed.

November 16, 2018

*reena*

**[SUDHIR MITTAL]**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**

**Whether Reportable : Yes/No**