

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-62211-2018 (O&M)
Date of Decision:- 29.4.2019

Prem Lal Midha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- None for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 313, dated 14.11.2018, registered at Police Station Derabassi, SAS Nagar, under Sections 406 and 420 IPC.
2. The FIR was lodged at the instance of Sukhwinder Kaur, wherein it has been alleged that she is a Non-Resident-Indian (NRI) and had booked flats in Green Estates Dera Bassi, Punjab. It is alleged that the petitioner claimed that State Bank of India finances the project and he had got sanctioned a loan from State Bank of India, Panchkula, Sector

20 Branch. It is alleged that the complainant after getting her loan sanctioned, went back to Canada and she had been paying the installments but the builder did not get the construction completed and in fact she had been defrauded by the builder.

3. While issuing notice of motion, a Co-ordinate Bench of this Court had directed the Sub Divisional Magistrate, Derabassi, to visit the premises in question and to report as to whether Flat No.A-63 and Flat No.A-64, Block 4, Category A, First Floor, Green Estate, Part-1, Barwala, Road, Dera Bassi, as per sale deeds dated 10.7.2009 are in existence and as to whether possession has been delivered to the complainant.
4. Pursuant to the aforesaid directions, a report of learned Sub Divisional Magistrate, Derabassi, was received to the following effect:

“It is certified that locations of Flat No.A-63 and A-64, Block-4, Category A, First Floor, Green Estate, Part-1, Barwala Road, Derabassi in the area of Madhopur have been visited by the under signed on the order of the Hon'ble Judge, Raj Shekhar Attri. After verification it is found that the above mentioned flats are incomplete. No construction work is going on at present. Possession has also not been handed over to complainant.

Sd/-
Sub Divisional Magistrate,
Derabassi”

5. Today, none has put in appearance on behalf of the petitioner.

6. Learned State counsel has informed that in fact there are five other identical cases pending against the petitioner and that the petitioner had defrauded a large number of persons.
7. In view of the aforestated position, especially in view of the report of learned Sub Divisional Magistrate, Derabassi, this Court does not find any special case for grant of anticipatory bail to the petitioner.
8. The petition is sans any merit and is dismissed.

April 29, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No