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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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1. CRM-M No.24885 of 2024

Avtar Singh ... Petitioner

Vs.

State of Punjab ... Respondent

2. CRM-M No.64182 of 2024

Harwinder Singh ... Petitioner

Vs.

State of Punjab ... Respondent

Date of decision: 05.03.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajvir Singh, Advocate,
for the petitioner in CRM-M No.24885 of 2024.

Mr. Rituraj Singh, Advocate,
for the petitioner in CRM-M No.64182 of 2024.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of the aforementioned
petitions which have been filed by the petitioners seeking pre arrest bail
in case arising out of FIR No.12 dated 30.01.2024 registered under

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Sections 420 and 120-B of IPC at Police Station Chamkaur Sahib, District Rupnagar.

2. Brief facts relevant for the purpose of disposal of these petitions are that the aforementioned FIR was registered on the basis of the complaint jointly lodged by nine complainants on the allegations that the petitioners along with one Sandeep Kumar had carved a colony under the name of Fateh Enclave and had sold the plots of this colony to them by alluring them on the ground that they would be providing all amenities like street lights, sewerage, water supply pipes, concrete road, boundary and main gate etc. till 31.12.2020. Sale deeds had been executed in their favour after making payment of the entire sale consideration amount. However, none of the facilities so promised had been provided by the petitioners and they had caused wrongful loss to them with dishonest intention to cheat them. As such, the victims prayed for taking action against the culprits. After registration of FIR, investigation proceedings had been initiated and are underway. Apprehending their arrest, the petitioners had knocked at the doors of the Sessions Court at Rupnagar and vide order dated 30.04.2024 passed by the Court of learned Additional Sessions Judge, Rupnagar, their pre arrest bail applications were dismissed.

3. It is argued by learned counsel for the petitioner-Avtar Singh that he has been falsely implicated in this case as he is simply a power of

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attorney holder of co-accused Harwinder Singh who is colonizer of the Fateh Enclave. His responsibility was only to the extent of execution of sale deeds on behalf of accused Harwinder Singh qua the plots of Fateh Enclave. He is neither beneficiary nor owner of the Fateh Enclave. The subject offences are not made out against him. He is ready to join the investigation. His custodial interrogation is not required. No purpose would be served by detaining him in custody. The colonizer is also making efforts to get the colony regularized. Accordingly, it is urged that he deserves to be given benefit of pre arrest bail.

4. Learned counsel for the petitioner-Harwinder Singh has argued that the petitioner is making all efforts to get the colony regularized at the earliest and had deposited the requisite fee with Municipal Council wayback in the year 2019. The co-accused Sandeep Singh has been extended benefit of pre arrest bail. The ingredients for commission of offence punishable under Section 420 of IPC are not at all attracted against him. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be extended benefit of pre arrest bail.

5. Status reports have already been filed. Learned Senior Deputy Advocate General, Punjab has vehemently argued that there are serious allegations against the petitioners who are infact partners and had carved colony named as Fateh Enclave. They had induced the victims to

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purchase plots in their colony by representing that all the basic amenities would be provided to them while having no intention to provide the same and had thereby cheated them by causing wrognful loss of huge amount of money as they have spent their entire savings for purchasing these plots. Their custodial interrogation is required for conducting thorough investigation in the matter. No sparing circumstance has been made out. Therefore, it is urged that the petitions do not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

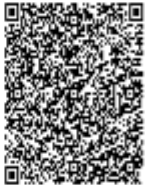
7. As per the allegations, the petitioners who are father and son, along with the co-accused Sandeep Singh had allured the victims to purchase plots in Fateh Enclave which is a colony carved by them, by representing that they would be providing basic amenities of street lights, sewerage, water supply etc. to the victims. Believing them and on being induced by them, the victims have spent huge amounts of money for purchasing plots in the above named colony. The petitioners are, however, alleged to have failed to take any step for providing the basis facilities in the colony to the victims thereby causing huge loss of money to them as they have invested their hardearned money for purchase of property which for want of lack of basic facilities cannot be utilized properly by these victims. The petitioner-Harwinder Singh while admitting the factum that he is the colonizer of the above named colony

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has taken a plea that he has been making genuine efforts for providing of the above discussed facilities in the colony. However, copy of receipt regarding deposit of a sum of Rs.2,02,000/- with Municipal Council has been placed on record to show the genuineness on his part which cannot be considered to be any sincere effort shown to be made by him for the purpose. The petitioner-Avtar Singh has claimed that he was simply a power of attorney holder of the petitioner-Harwinder Singh. Both of them are father and son respectively. They are alleged to have connived with each other while inducing the victims to purchase property and, therefore, it cannot be stated at this stage that the complicity of the petitioner-Avtar Singh is not established. There are specific allegations against them. Thorough investigation is required to be conducted. Their custodial interrogation might not be required. It is well settled proposition of law that bail cannot be granted to an accused only because of the fact that his custodial interrogation is not required. It is well settled proposition of law that powers for grant of pre arrest bail are to be exercised in extraordinary and exceptional circumstances and not in a routine manner. However, no such extraordinary and exceptional circumstance has been made out in this case. As such, I am of the considered opinion that the petitioners-Avtar Singh and Harwinder Singh do not deserve to be extended benefit of pre arrest bail. Accordingly, the petitions are dismissed.

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8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.03.2025
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(MANISHA BATRA)
JUDGE

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