

IN THE COURT OF MONIKA GOYAL;  
ADDL. SESSIONS JUDGE; SAS NAGAR MOHALI

1) CNR No. PBSA01005576-2018  
Bail application No.199/16.8.2018  
CIS No.3008-2018  
Order dated 31.8.2018

Samuel Masih son of Suraj Masih age 49 years resident of House No.1627  
Phase 3B2 Shivalik Vihar Block D, Naya Gaon Police Station Distt. Mohali.  
....Accused/applicant.

Versus

State of Punjab

....Respondent .

....

First application for bail under Section 438 of Cr.P.C, in a  
case FIR No. 41 dated 16.8.2011 under Section 420, 120-  
B, 406 of IPC, P.S Naya Gaon.

...

2) CNR No. PBSA01005831-2018  
Bail application No.205/24.8.2018  
CIS No.3090-2018  
Order dated 31.8.2018

Manjit Singh Saluja aged about 68 years son of Kirpal Singh resident of House  
No.1627 Phase 3B2 SAS Nagar Mohali, Tehsil and Distt. Mohali.

....Accused/applicant.

Versus

State of Punjab  
P.S Naya Gaon

....Respondent .

....

First application for bail under Section 438 of Cr.P.C, in a  
case FIR No. 41 dated 16.8.2011 under Section 420, 120-  
B, 406 of IPC, P.S Naya Gaon.

Present:-

Shri Ravinder Singh Rana Advocate Counsel for bail  
applicant Samuel Masih.  
Sh Dildar Singh Adv., counsel for accused/applicant Manjit  
Singh Saluja  
Sh. Manjit Singh Addl.P.P for the State

ORDER

This order of mine shall dispose of two applications for  
anticipatory bail, referred to above, one moved by applicant Samuel Masih and  
second moved by applicant Manjit Singh Saluja, under Section 420, 120-B and  
406 of IPC by invoking the provisions of Section 438 Cr.P.C.

2. When notice of the bail applications was issued, learned

Addl.P.P for the State appeared. File of the main challan pending in the Court of Ms. Jublee, JMIC Kharar was ordered to be summoned, which has been received.

3. I have heard the learned counsels for the applicant-accused, learned Addl.P.P for the State and have also gone through the record.

4. FIR in this case was registered on the basis of the complaint moved by complainant Harbant Singh Bajwa. Allegations in brief are that an agreement to sell dated 25.2.2011 was executed by accused Victor Masih, Samuel Masih, Parminder Singh Walia and Manjit Singh Saluja to sell a plot of 5K-14M in favour of complainant Harbant singh Bajwa for a sum of Rs.2,90,00,000/- and they have already received a sum of Rs.76 lacs from the complainant, despite the fact that they were not the owners of the said plot and in this manner they have committed fraud and cheated the complainant.

5. Learned Counsel for the bail applicants had argued that the accused/applicants were found innocent during the investigation of this case by the police and now they have been summoned under Section 319 Cr.P.C. He further submitted that nothing new has come up on record against the accused/applicants in the evidence recorded so far in the case being faced by accused and whatever is alleged during investigation, the situation stands like that and in such circumstances, the accused/applicants are entitled to be released on anticipatory bail. Learned Counsels further submitted that the accused/applicants are ready to face trial and it will take time to conclude the trial and as such no useful purpose would be served by rejecting the bail applications of the accused/applicants. A prayer has been made that the accused/applicants may be released on anticipatory bail.

6. Learned Addl. P.P for the State has argued that accused/applicants in connivance with their co-accused had cheated the

complainant of his hard earned money of Rs.76 lacs and as such they are not entitled to the concession of anticipatory bail.

7. Taking into account the facts and circumstances of the present case, I am of the considered view that earlier during investigation the accused/applicants were declared as innocent and at the time of the presentation of challan, they were kept in column No.2 of the challan/report under Section 173 Cr.P.C and now the accused/applicants have been summoned under the provisions of Section 319 Cr.P.C to face trial along with accused Victor Masih and Parminder Singh Walia, who have already been facing trial. Allegations made against the accused/applicants are yet to be decided during the trial after leading evidence by both the parties. Consequently, both the above referred bail application are allowed and both the accused/applicants are directed to appear before the trial Court/Duty Magistrate with in 10 days from today and in that event, they be released on bail on their furnishing personal bonds in the sum of Rs.50,000/- each with one surety of the like amount to the satisfaction of the trial Court/Duty Magistrate, subject to the following conditions :-

- i. that they shall not leave the country without prior permission of the court;
- ii. that they shall not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the court or police.
- iii. that they shall not misuse the concession of bail failing which, this order shall stand vacated automatically.

Copy of this order be placed in the connected file of bail application titled as Manjit Singh Saluja Vs. State of Punjab. Trial Court record be sent back immediately. File of this bail application be consigned to the record room.

Pronounced in open court

Dated: 31.8.2018

\* Balwinder Singh  
Stenographer grade I

(Monika Goyal)  
Addl. Sessions Judge,  
SAS Nagar Mohali  
Unique I.D No.PB. 0439

Present:- Shri Raviner Singh Rana Advocate Counsel for bail  
applicant  
Sh. Dildar Singh Adv., counsel for accused/applicant  
Manjit Singh Saluja  
Sh. Manjit Singh Addl.P.P for the State

Arguments have been heard. Vide my separate detailed order of even date, the present bail application as well as the connected bail application titled as Manjit Singh Saluja Vs. State of Punjab, have been allowed as per the details enumerated therein. Trial Court record be sent back immediately. Copy of the detailed order be placed in the file of the connected bail application titled as Manjit Singh Vs. State of Punjab. File of this bail application be consigned to the record room.

Pronounced in open court

Dated: 31.8.2018

(Monika Goyal)  
Addl. Sessions Judge,  
SAS Nagar Mohali  
Unique I.D No.PB. 0439

\* Balwinder Singh  
Stenographer grade I