

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-40825 of 2014

Date of Decision: April 25, 2016

Vishal Goyal

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. R.S. Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate
the petitioner.

Ms. H.K. Athwal, DAG, Punjab.

Mr. J.S. Toor, Advocate

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M.M.S. BEDI, J.

Petitioner has filed this petition for grant of pre-arrest bail in case FIR No. 216 dated June 27, 2014 under Sections 420 and 120B IPC registered at Police Station Zirakpur, District SAS Nagar, Mohali.

The FIR was registered against the petitioner and others on the complaint of S.S.Dhanda, President of Resident Welfare Society, Vishranti City and Parneet Kaur wife of Jagdish alleging that she was owner of the land measuring 23 bighas at Village Singhpura and she entered into an

agreement of sale with one Jaspal Singh for sum of Rs.21 crores and out of said amount she had received a sum of Rs.2.62 crores as earnest money on May 6, 2014 and thereafter she had gone to Canada being an NRI. When she returned from Canada and went to see her land at Village Singhpura, she was surprised to find that her land in the said village had constructions of houses. She further came to learn that the petitioner alongwith his co-accused had sold the said land to different people and grabbed her land despite the fact that there was stay upon selling of the land. She claimed that the land was still in her name and a fraud had been played by the petitioner and others with the complainant.

Mr. R.S. Rai, learned Senior counsel for the petitioner has submitted that M/s Sai Apartments and Infrastructure had constructed a colony with the name of Vishranti City after getting due approval from the Urban Local Bodies Department and that the petitioner has not sold any plot directly to any person and that if any plot has been sold that was after taking letter of consent from the original owner Parneet Kaur who had received due consideration regarding her land. It was vehemently argued by learned counsel for the petitioner that the petitioner remained Director only for a period from July 21, 2012 to December 10, 2012 of M/s Sai Apartments and Infrastructure which was incorporated on June 8, 2010 by six persons to deal in the business of real estate. The petitioner was not the founding/ original member of M/s Sai Apartments and Infrastructure. M/s Sai Apartments and Infrastructure had entered into an agreement dated June 8, 2010 and had

decided to develop housing society in the name of Vishranti City in the municipal limits of Municipal Committee, Zirakpur. The total area of the Society was 24.5 acres. About 13 land-owners contributed/ pooled their respective land and Parneet Kaur contributed her land measuring 4.6 acres. A colony was floated by said M/s Sai Apartments and Infrastructure after approval from the Government. The allegations that M/s Sai Apartments and Infrastructure had fraudulently sold plots is absolutely wrong and that it is Parneet Kaur who is responsible for the entire fraud. Nirmal Goyal and Puja Gupta had filed a civil suit against Parneet Kaur when she had made an attempt to forcibly dispossess the residents of Vishranti City. It is claimed by learned counsel for the petitioner that as per the civil Court orders, the disputed land measuring 23 bighas and 7 biswas was owned by one William Singh Sandhu, brother -in-law of Parneet Kaur. Said William Singh Sandhu had executed a power of attorney in favour of his brother and husband of Parneet Kaur who exchanged the property of William Singh Sandhu on the basis of unregistered exchange deed with his wife. When said William Singh Sandhu came to know about the fraud he challenged the same before Commissioner, Patiala who vide order dated June 17, 2010 opined with regard to the fraud conducted by Parneet Kaur. A civil suit had also been filed by William Singh Sandhu against Parneet Kaur and she was restrained from alienating or transferring the suit property. In this context order of the civil Court dated January 27, 2011 has been placed on record as annexure P-4. It was urged by learned senior counsel that Parneet Kaur had no title in

the property left but by way of fraud in connivance with her husband she made an attempt to dupe the said Company. Parneet Kaur despite knowing the fact that she was not the owner of the property, she entered into an agreement of sale with co-accused Jaspal Singh on receipt of sum of Rs.2.62 crores as earnest money. The petitioner has been involved in the case on the basis of an inquiry conducted by Tehsildar Derabassi. Learned counsel for petitioner made reference to various orders passed by the civil Court. The detailed investigation has been conducted in the present case and during the course of investigation, the statements of various witnesses including PWs Naresh, Manoj Kapoor and Joginderpal have been recorded. A conclusion has been arrived at on the basis of the inquiry that the firm M/s Sai Apartments and Infrastructure has carved out a colony in the name of Fortune City which was later on named as Vishranti City on 147 Bighas land at Village Singhpura and Gazipur, Zirakpur. 23 bighas land of Parneet Kaur was adjoining to the land of the Vishranti City. A total of about 700 plots were demarcated and out of the 700 plots Khasra Nos. of 79 plots were shown within the 147 bighas land owned by Vishranti City but the possession of plots was given to the persons in the adjoining 23 bighas land owned by Parneet Kaur. During the period from July 2012 to December 2012, only the possession of three plots measuring 120 sq. yards, 3 biswas 17 biswansi and 3 biswas were handed over as per the resolution.

I have considered all the contentions of learned counsel for the petitioner and gone through the police record and the documents placed on

the record but on account of counsel for the petitioner having sought permission to withdraw this petition at this stage, without expression of any opinion on merits of the case, this petition is permitted to be dismissed as withdrawn. Interim order stands vacated.

April 25, 2016
sanjay

(M.M.S.BEDI)
JUDGE