

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:06.05.2016

Hari Sharan Bhatia

.....Accused Petitioner

v.

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Surinder Mohan Sharma,Advocate for the accused
petitioner.

Mr.Kuldip Tiwari, Addl.AG Haryana assisted by ASI Prem
Parkash

Jaswant Singh,J(Oral).

The prayer is for grant of regular bail under Section 439
Cr.PC on behalf of accused Hari Sharan Bhatia in case FIR No.615
dated 02.12.2015 under Sections 120-B, 420,467,468,471 IPC and
Section 13(1)(d) of Prevention of Corruption Act, registered at PS
Ganaur, District Sonipat.

In brief the facts are that agriculture land measuring
47K9M in Village Barhi(also written as Baddi), Ganaur, District
Sonipat under the ownership of Okara Group of Companies was
attached vide order dated 22.11.2002 passed by Hon'ble Delhi High
Court in a CA(M) 115 of 2002 and 63 of 2002 filed by the
creditors including Kawaljit Singh Kher. Subsequently vide order

dated 25.9.2008 the learned Company Judge, in the aforesaid Company Petition issued specific direction to the District Collector, Sonapat Haryana not to proceed with the sale/auction proceedings in respect of the aforesaid land in question. Thus, accordingly entries in the revenue record were made. It is also a matter of record that the Official Liquidator of Delhi High Court informed the Deputy Commissioner, Sonapat vide his letter dated 23.6.2015 about the pendency of liquidation proceedings regarding Okara Group of Companies and their being a stay with regard to any kind of alienation of the property in question. The Deputy Commissioner further forwarded the letter on 8.7.2015 to Tehsildar, Ganaur for appropriate action and entry in the *roznamcha*.

The allegation against the petitioner-accused is that he arranged a fake/forged order dated 27.7.2015 of the Hon'ble Delhi High Court regarding vacation of stay orders previously passed qua alienation of land of Okara Agro Industries, situated in Village Barhi, upon which fake entries in the copy of the *jamabandis* were made and thereafter in connivance of all the accused the Naib Tehsildar executed sale deed no.2956 dated 26.10.2015 in favour of accused purchasers-Sunil Kumar, Sultan Singh, Narain Singh, who acted as frontmen for the financier accused Randhir Singh, the kingpin of the conspiracy. The co-accused Baldev Singh impersonated the vendor-Narinderjit Singh, Director, M/s Okara Agro Industries, Barhi.

It has come in the investigation that for his said role

petitioner-accused received Rs.13 lacs.

It is a conceded position that although sale deed has been executed, however, the possession of the land is still with the Official Liquidator and the previous entries in the revenue record are intact.

It is contended that the petitioner is in custody since 13.12.2015 and after completion of investigations qua him, challan stands presented. The evidence of prosecution witnesses is yet to commence.

The learned State counsel on instructions from ASI Prem Parkash does not dispute the custody period, presentation of challan qua the petitioner-accused, however, submits that investigations qua others are still in progress.

Without commenting on the merits of the case, keeping in view the above and the custody period, and that trial is not likely to conclude in near future, no useful purpose will be served by keeping the accused-petitioner in judicial custody any longer. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned. However, petitioner shall join any further investigation as and when summoned.

6.5.2016
joshi

(Jaswant Singh)
Judge