IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(i) CRM No.M-16366 of 2018 (O&M)

Inderjit @ Inder Mohan

...Petitioner

VERSUS

State of Punjab

...Respondent

(ii) CRM No.M-16769 of 2018 (O&M)

Avinash Doda

...Petitioner

VERSUS

State of Punjab

...Respondent

(iii) CRM No.M-22100 of 2018 (O&M)

Vijay Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

(iv) CRM No.M-22683 of 2018 (O&M)

Rakesh Raj Otreja

...Petitioner

VERSUS

State of Punjab

...Respondent

(v) CRM No.M-22995 of 2018 (O&M)

Rajeev Kumar @ Rajeev Chugh

...Petitioner

VERSUS

State of Punjab

...Respondent

(vi) CRM No.M-28521 of 2018 (O&M)

Raj Kumar Wadhwa

...Petitioner

VERSUS

State of Punjab

...Respondent

(vii) CRM No.M-38476 of 2018 (O&M)

Shiv Lal @ Sholly

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision: October 10, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kanwaljit Singh, Sr. Advocate with
Mr.S.S.Chatrath, Advocate for the petitioners
(in CRMs No.M-16366, 16769, 22995 and 38476 of 2018).

Mr.Harpal Singh, Advocate for
Mr.C.M.Munjal, Advocate
for the petitioner (in CRM No.M-22100 of 2018).

Mr.Raman Goklaney, Advocate
for the petitioner (in CRM No.M-22683 of 2018).

Mr.Prashant Vashisth, Advocate
for the petitioner (in CRM No.M-28521 of 2018).

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

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<u>INDERJIT SINGH, J.</u>

All the above-mentioned cases are taken up together as these have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.16 dated 09.02.2018 under Sections 420, 467, 468, 471, 506, 120-B IPC read with Sections 7 and 13(2) of the Prevention of Corruption Act (Sections 384 and 385 IPC added later on), registered at Police Station City-I, Abohar, District Fazilka.

Notice of motion was issued. Learned State counsel appeared and contested the petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been got registered by Dolly Arora wife of Neeraj Arora, who stated that in the year 2002, her husband started business of food products, which was very successful and entire business was duly accounted for and they were amongst top five taxpayers in the District. In the year 2011, her husband started business of real estate as the real estate business was in high demand at that time. The complainant further stated that her husband carved many colonies in the State of Punjab. Delivery of colonies was to be handed over from 2015 to 2018. In the year 2014, there was slowdown in the real estate business as a result of which people were not interested in getting their plots registered and they wanted to take back their money. Police complaints were registered against them but they had invested entire money in the colonies. It is further in the FIR that Shiv Lal Doda and other middlemen took advantage of their helplessness. Shiv Lal Doda was politically connected and he got their three storey showroom measuring 5000 sq. feet opposite to Hotel Sunbeam, transferred in his name by threatening complainant's father-in-law and mother-in-law and forcibly got their signatures on blank documents and agreement. Total cost of showroom is around ₹5 crores. Complainant stated in the FIR that her husband had purchased the showroom for ₹3.5 crores and another ₹1.5 crores was spent on the construction. Shiv Lal Doda got signatures of complainant's parents-in-law on blank documents. The showroom along with another plot, adjoining to Sharla Sethi hospital, valued around ₹2.5 crores has been mortgage with PNB bank with connivance with the bank officials and Shiv Lal Doda has got sanctioned OD limit on it. Shiv Lal Doda along with Rajiv Chugh and others threatened to kill complainant's husband in jail and obtained signatures of parents-in-law of complainant forcibly on blank papers. It is also stated by the complainant that they have been informed by the bank official that OD limit has been obtained by mortgaging the property and entire money has been used by Shiv Lal Doda and his accomplices.

During enquiry, statements were recorded. Satpal (father-in-law of complainant) got recorded his statement by stating the same facts and also stated that one day, during summers, Rajiv Kumar, Avinash Doda and Inderjit, Accountant of Shiv Lal Doda, came to his house. He and his wife Asha Rani were present in the house. They said that Shiv Lal Doda has sent them and they have to verify jamabandi and to get copies of the plot and asked them to sign the papers. When they refused to sign the papers, then these persons threatened them and obtained their signatures on blank papers and blank forms. Later on, they came to know that Shiv Lal Doda in connivance with owners/Directors of M/s Joginderpal Doda, M/.s Gagan Vasu Cinelinks Pvt. Ltd. and M/s Gagan Distilleries and Beverages Pvt.

Ltd. along with above mentioned Rajiv Kumar, Avinash Doda, Inderjit, have surrendered the registries as security for enhancing their limits from PNB Gaushala. Similarly, Asha Rani (complainant's mother-in-law) got her statement recorded by giving similar facts. Then, statements of Patwari and Sh.Shiv Charan, Chief Manager, PNB Gaushala, were recorded. Sh.Shiv Charan, Chief Manager stated that equitable mortgage got registered by Satpal and his wife Asha Rani and they have stood surety for limits obtained by Directors/owners of M/s Joginderpal Doda, M/.s Gagan Vasu Cinelinks Pvt. Ltd. and M/s Gagan Distilleries and Beverages Pvt. Ltd. for sum of ₹13 crores, ₹12 crores and ₹20 crores respectively. The original mutations sanctioned in favour of Satpal and Asha Rani vide Vasika No.4662 etc. total area 1 kanal, are lying in the bank record. Satpal and Asha Rani have not taken any money in lieu thereof but have stood as guarantors. He further stated that account was got opened by Joginderpal Doda and it had limit of ₹4.90 crores and thereafter, the limit was enchanced to ₹9 crores and then to ₹13 crores, on the basis of the property mortgaged by Joginderpal Doda owned by Satpal and Asha Rani. The account is being operated by Joginderpal Doda and Aman Challana. The Chief Manager also stated that account of M/s Gagan Vasu Cinelinks Pvt. Ltd. was got opened by Rajesh Lakhra and initially its limit was ₹6.75 crores, which was enchanced to ₹12 crores on 25.09.2015. The limit was enhanced in lieu of the property mortgaged by Rajesh Lakhra and Sunita Doda owned by Satpal and Asha Rani and the account is being operated by Sunita Doda and Aman Challana.

The perusal of the record shows that allegations against accused Rajiv Chugh, Avinash Doda and Inderjit have obtained signatures on various blank papers and blank forms from Satpal and Asha Rani, forcibly at the instance of Shiv Lal Doda. It is also in the statement of Satpal that his sale deeds were also taken away by these persons. It is on the record that by mortgaging properties owned by Satpal and Asha Rani, limits of crores of rupees have been taken in the accounts, which were operated by brother of Shiv Lal Doda and his persons. Rakesh Raj Otreja was Branch Manager, who mortgaged the properties of Satpal and Asha Rani, in their absence and connived with other accused. No money was paid to Satpal and Asha Rani by the bank. Rather, in lieu of property of the complainant side, accused used enhanced credit limits and those accounts were operated by relative and persons of Shiv Lal Doda.

Keeping in view serious allegations against petitioners Inderjit @ Inder Mohan, Avinash Doda, Rakesh Raj Otreja, Rajeev Kumar @ Rajeev Chugh and Shiv Lal @ Sholly, I find that they are required for custodial interrogation and no ground is made out granting benefit of anticipatory bail to them. The orders granting them interim bail stand vacated.

As regarding petitioner Vijay Kumar, I find that he is Clerk of the Advocate and allegation against him is that he has gone to Notary for getting attested the affidavits of Satpal and Asha Rani without their presence. The allegation against petitioner Raj Kumar Wadhwa, who is not named in the FIR, is that he purchased 12 stamp papers out of which 6 stamp papers have been used for mortgaging the properties of the complainant party. Except this, there is no allegation against petitioners Vijay Kumar and Raj Kumar Wadhwa.

Both these petitioners i.e. Vijay Kumar and Raj Kumar Wadhwa have already joined the investigation. They are not required for custodial interrogation. Nothing is to be recovered from them. No useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioners Vijay Kumar and Raj Kumar Wadhwa are entitled to benefit of anticipatory bail. The order dated 23.05.2018 passed in CRM No.M-22100 of 2018 and order dated 18.07.2018 passed in CRM No.M-28521 of 2018 granting interim bail to petitioners Vijay Kumar and Raj Kumar Wadhwa respectively, are made absolute.

Resultantly, CRMs No.M-22100 and 28521 of 2018 stand allowed whereas CRMs No.M-16366, 16769, 22683, 22995 and 38476 of 2018 stand dismissed.

However, nothing stated above, shall constitute my opinion on merits of the case and whatever observations have been given, are only for the purpose of deciding the present bail petitions.

October 10, 2018 **(INDERJIT SINGH)**
Vgulati **JUDGE**

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