IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-28488-2020 (O&M)
Date of Decision : October 08, 2020

Rajeev Chugh

.... PETITIONER

VERSUS

State of Punjab and another

.... RESPONDENTS
CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Mansur Ali, Advocate, with
Mr. Imran Ali, Advocate, for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General, Punjab.

Mr. Sukhdeep Singh Sidhu, Advocate, for the complainant/ respondent No.2.

...

Sanjay Kumar, J.

CRM-23374-2020

Exemption is granted as prayed for.

The application is ordered accordingly.

CRM-M-28488-2020

The petitioner is one of the accused in FIR No.0157 dated 09.07.2020 on the file of Police Station City-1 Abohar, District Fazilka, registered under Sections 420, 465, 467, 468, 471, 384 and 120-B IPC. By way of this petition filed under Section 438 Cr.P.C., he seeks grant of anticipatory bail.

The complainant at whose behest the subject FIR was registered against the petitioner and others got herself impleaded as the 2nd respondent. She filed a lengthy reply, along with supporting material, opposing the grant of anticipatory bail to the petitioner.

Mr. Mansur Ali, learned counsel, would point out that the petitioner was not a party to any of the documents which form the subject matter of the FIR and assert that he cannot be roped in merely because he is working as a Manager in one of the concerns owned and established by Shiv Lal Doda, the prime accused in this case. He would point out that two of the co-accused, viz., Surinder Kumar @ Tidda and Krishan Kumar @ Billa Kukkar, who were attesting witnesses in the sale deed, were granted the concession of pre-arrest bail and contend that the petitioner stands on a better footing than they did, as he does not even figure as a witness in any of the documents. He would pray for similar relief being extended to the petitioner.

Mr. Sukhdeep Singh Sidhu, learned counsel for the complainant, would vehemently oppose the plea of the petitioner. He would point out that certain landed property was proposed to be sold to Nature Heights Infra Limited, the company floated by the son of the complainant, in September, 2013, and an agreement of sale was executed in its favour. The landed property comprised 7 acres situated at Abohar, District Fazilka, and the sale consideration was ₹ 90 lakh per acre. According to the complainant, ₹ 2.40 crore was paid to the vendor company by her son's company. However, 3 acres out of the land in question was ultimately sold on 13.07.2016 for just ₹ 58,95,000/-. The complainant claimed that this was done at the behest of Shiv Lal Doda, the prime accused, who had tried to force her son to include him in his business and having failed to do so, he knocked away the property at a pittance. The sale was purportedly effected in favour of his company. She further stated that her son was implicated in criminal cases at the behest of the accused in this case and while he was incarcerated at the District Jail, Fazilka, Shiv Lal Doda and his nephew, Amit Doda, who were also in custody in the same prison in relation to a murder case, coerced and physically abused her son. She pointed out that her daughter-in-law, Dolly Arora, had filed a complaint in this regard on 11.06.2016.

She asserted that Shiv Lal Doda and his associates, including the petitioner herein being his Manager, were members of a gang/land mafia and were indulging in all kinds of illegal activities by grabbing properties of innocent people by hook or by crook. She stated that the petitioner was a regular visitor of Shiv Lal Doda at Fazilka Jail. She asserted that he used to visit Shiv Lal Doda secretly and without authority. She pointed out that FIR No.3 dated 05.01.2017 was registered against the petitioner and others in this regard on the file of Police Station City Fazilka, District Fazilka, under Sections 177, 188, 448 and 120-B IPC and Section 42 of the Prisons Act, 1894.

She further stated that FIR No. 16 dated 09.02.2018 on the file of Police Station City-1, Abohar, District Fazilka, was registered against the petitioner and others under Sections 420, 467, 468, 471, 506 and 120-B IPC, apart from Sections 7 and 13(2) of the Prevention of Corruption Act, 1988. That apart, FIR No. 2 dated 08.01.2019 on the file of Police Station City-2, Abohar, District Fazilka, was registered against the petitioner and others under Sections 195-A, 506 and 120-B IPC. In addition thereto, FIR No.158 dated 10.07.2020 on the file of Police Station City-I, Abohar, District Fazilka, was registered against the petitioner under Sections 365, 384, 420, 465, 467, 468, 471 and 120-B IPC. She pointed out that except disclosing FIR No.158 dated 10.07.2020, the petitioner willfully chose to suppress the other FIRs in which he was shown as the accused.

As regards the other two co-accused in this FIR who were granted anticipatory bail by this Court, the complainant pointed out that such relief was given to them under the erroneous impression that they had played a limited role. She therefore prayed for dismissal of the bail petition, stating that the petitioner played a crucial role in the operations of his employer and that he could not claim to be unconnected with the case on the sole ground that he was not a party to either the agreement of sale or the later sale deed.

Perusal of the bail orders granted in favour of the co-accused of the petitioner reflects that they were granted relief based on the understanding that they were only witnesses to the execution of the sale deed and that was the only limited role attributed to them. The material placed on record by the complainant shows that those two persons were not just witnesses to the document but were also involved in the initial transaction with the complainant's son's company in relation to the land. They seem to have even accepted payments made towards the sale consideration by the company of the complainant's son for purchase of this land.

Be that as it may.

Insofar as the petitioner is concerned, it is clear that he is the accused in four other FIRs but he chose to disclose only one of them in his petition. That apart, one such FIR was in relation to his surreptitious visits to the prison to see Shiv Lal Doda, his employer. The other FIRs registered against him support the contention of the complainant that he is involved in the nefarious operations and transactions with criminal connotations allegedly undertaken by his employer and his concerns.

The case projected by the complainant is that all the accused formed a land mafia and they undertook operations as a gang to knock away properties through coercion. The material placed on record supports the complainant's contention in this regard as the sale consideration paid for the subject land *prima facie* shows gross depletion when compared to the price settled for the same in the year 2013. That apart, the record shows that it was her son's company that obtained regularization of the subject land after entering into the agreement of sale. The Regularization Certificate dated 10.04.2014 issued by the Deputy Director, Urban Local Bodies, Ferozepur, (Annexure R-2/7) was addressed to the company floated by the complainant's son.

Given the aforestated circumstances, it is manifest that the petitioner cannot baldly claim to be unconnected with the case as he is only a Manager in a concern owned by the prime accused. His employer is admittedly in prison and the other FIR lodged against the petitioner discloses that he was in touch with his employer by clandestinely visiting him in prison. The petitioner cannot be given a clean chit at this stage to the extent of absolving him of having any nexus or complicity in relation to the transaction which forms the fulcrum of this case. Significantly, this transaction cannot be treated as an isolated instance as the chain of events and the past antecedents of the accused, including the petitioner herein, demonstrate, *prima facie*, that the present transaction only forms part of the larger racketeering operations of this gang.

Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab, would also affirm that the antecedents of the petitioner are not clean and assert that his custodial interrogation may well be necessary in relation to the case on hand.

That being so, this Court finds no grounds to accept the plea of the petitioner that he has nothing to do with the subject FIR. His role, if any, in the events that form the subject matter of this FIR can only be gleaned after thorough investigation. He would necessarily have to be part of such investigation and grant of pre-arrest bail at this stage would not entail his full participation and cooperation in such investigation.

This anticipatory bail petition is accordingly dismissed.

October 08, 2020 (Sanjay Kumar)
Kang Judge

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