* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment reserved on: 20.07.2022
Date of decision: 28.07.2022

\+ BAIL APPLN. 1198/2022

PADAM KUMAR DAGAR ..... Petitioner

Through: Mr. Ankit Rana, Mr. Bharat Gupta & Mr. Nitish Pande, Advocates.

Versus

THE STATE (GOVT. OF NCT, DELHI) ..... Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with ACP J.S. Mishra, EOW.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT

ANU MALHOTRA, J

1. The applicant, vide the present application seeks the grant of anticipatory bail in relation to FIR No.292/2019, PS EOW Delhi, under Sections 406/409/420/120B of the Indian Penal Code, 1860 submitting to the effect that he has been falsely implicated in the instant case.

2. Vide order dated 19.04.2022, notice of the application was issued to the State. As it was informed on behalf of the State on 06.05.2022 that the applicant had joined the investigation and the investigation was to be concluded in the near future with it having been undertaken on behalf of the applicant that he was ready to join the investigation as and when directed, the applicant was thus vide order dated 06.05.2022 directed to join the investigation of the case on 10.05.2022 at the concerned Police Station at 4.00 PM with directions to the Investigating Officer to prepare a questionnaire in advance to the same with it having been directed that no coercive action be taken against the applicant, which interim directions are presently in existence.

3. The status report dated 26.04.2022 under signatures of the ACP EOW New Delhi was submitted by the State. Submissions have been made on behalf of the either side qua the application. The State has submitted to the effect that the FIR in the instant case was registered on the complaint of Mr. Rewant Kumar Mishra S/o Sh. B.D. Mishra who alleged that in view of an advertisement received on SMS and Newspapers, he learned about residential flats being built by Revanta Multi State CGHS Ltd (Smart Residency) by way of Land Pooling in L Zone Dwarka Delhi, and in June 2015, he along with his family members met the builder at the office. It has been submitted further that as per the allegations levelled by the complainant, it was claimed that the builder and agents allured the complainant and his family members that the project was very viable and would be completed by 2019-2020, and believing their false promises, he agreed to buy a Flat in the proposed L Zone in Delhi through Membership No.SR70264 in the name of Mrs. Archana Mishra measuring 1675 Sqft for a total agreed amount of Rs. 51.20 Lacs of which the land cost was to be paid within 45 days and he thus made the payment of Rs. 20.21 Lacs, but he saw no progress in the matter as no construction was initiated though the flat was promised to be handed over by 2019 and later he learned that the DDA had not approved any of the builder till date and that the property dealers/builders were cheating innocent persons in the name of CGHS.

4. It has been further submitted through the status report that during investigation, 298 members filed their complaints of which 42 joined the investigation and during examination, it was learned that the office bearers of the society, including Satender Maan, Pradeep Sehrawat, Subhash Chand and others have misappropriated the money collected from the members of the society on the pretext of purchase of land and commission to member facilitation agencies, without their knowledge and consent.

5. It has been further stated through the status report that the concept of Land Pooling Policy (LPP) was conceived by the Government in the year 2013 which was to the effect that under this Land Pooling Policy (LPP), the DDA would pool land parcels owned by individuals, a group of owners or a builder, and would then develop the land and return it to the owners, and this system would replace the process of land acquisition, and this new policy would be applicable to urban extensions of Delhi for which zonal plans have been approved, and that the concept is about developing urban land parcels available in the city, especially in the outskirts, in an efficient, sustainable and equitable manner, and that this was likely to help develop and expand the city in a planned manner by increasing the supply of the fresh land.

6. Inter alia, it was submitted by the State that the Regulations for Operation of Land Policy, 2018 have been notified as "Land Pooling Regulations 2018" by the DDA in the Gazette Notification S.O. 5384(E) dated 24.10.2018, and though this policy has been notified in 2018 but the miscreants found it as an opportunity and started exploiting the information from 2013-2014, and builders/property dealers formed various Welfare Societies and Multi State CGHS Societies to allure investors by showing them a rosy picture of flats for advance bookings in the name of registration against the specified deposits in a similar fashion to that of Pre Launch Booking Fraud, and that situation aggravated due to reduction of FAR from 400 to 200 and office bearers asked an extra demand of 30% to 50% extra amount towards land cost.

7. The State has submitted that during investigation, from the scrutiny of records, it was revealed that accused initially formed Revanta Welfare Society and later changed it to Revanta Multi State CGHS Ltd. and invited and induced the general public through false promises to purchase flats through the society under the DDA Land Pooling Policy. The State submits that as per the office record of Revanta Multi CGHS Ltd., there are 4082 existing members in the Revanta Multi State CGHS Ltd. who have deposited a total of Rs. 4,90,47,31,590/- in the society to purchase flats and a few around 170 members are still in the Revanta Welfare Society which had been revoked by the SDM in December 2019.

8. Inter alia, the State submits that the accused collected huge deposit from public on the pretext of Land Cost and misappropriated the fund of society as under:-

> *"1. The land was purchased through company /Firms namely (1) Shri Siddhivinayak Realtors and securities (2) YP Enterprises and (3) Evolve Infotran India Pvt. Ltd. of their own friends on exorbitant rates i.e. more than double triple of the prevalent rates of land during corresponding periods.*
> *2. The money transferred in these Land facilitation companies by booking loss in commodities by converting white money to black and used them for their personal use.*
> *3. Very high rate of commission was paid to member facilitation agencies to their own friend and family members in three companies i.e. (1) PS4 Infratech Pvt. Ltd. (2) Nivesh Group and (3) Surya Devine Homes and again routed the money for their own use. PS4 Infratech Pvt Ltd is their own company and under conspiracy they resigned from the directorship and appointed their relatives to siphon off the money."*

9. Inter alia, the State submits that at the time of purchase of land in the name of society, the land facilitation agencies were incorporated, and land was purchased from farmers in the name of LAND FACILATION AGENCY, and thereafter, was transferred in the name of Society at exorbitant rates, and thus there were two registrations made at the same time paying double charges, and later, in order to save the money of the double registrations made, more money was siphoned off by way of a Tripartite Agreement with the farmer, the Land Agency and the Society, and the farmer was given 35% to 40% of the total sale value paid by the society and the rest of the payments were kept by the Land Facilitating Agency in connivance with the accused persons.

10. The State submits that the persons Pradeep Sehrawat, Subhash Chand and Satender Maan were arrested on 13.02.2020 and the accused Harender Tomar was arrested on 28.11.2020 and all arrested accused persons are stated to be on conditional bail. The State has further submitted that the accused Jasveer Shehrawat was granted anticipatory bail by the Court of the learned ASJ Dwarka on 16.03.2020 and the accused Yogender Singh Yadav was granted anticipatory bail by this Court on 31.01.2022 and the other co-accused is the present applicant who has sought the grant of anticipatory bail.

11. The State submits that it is a deep-rooted conspiracy between the accused persons to siphon off the hard-earned money of investors who desire to buy a home for their family.

12. Inter alia, the State submits that the applicant Padam Kumar Dagar is a partner in the Land Facilitation Firm Y.P. Enterprises, which firm was formed with the sole motive to siphon off the money of the Revanta Society, and that YP Enterprises had received more than 85 Crores from Revanta Society and transferred only 8.5 Acres of land to the society, that most of the land was sold by using Tripartite Agreements between the farmer and Society with the farmer having been given only 35% to 40% of the total sale value paid by the society with the rest of the payment being kept by the YP Enterprises.

13. Inter alia, the State has submitted that the accused Pradeep Sherawat (President of the Society) transferred his 1.08 Acres of land to the Revanta Multi State CGHS Pvt. Ltd. Society through YP

Enterprises, as a consequence of which Pradeep Shehrawat and family received Rs.4,36,21,212/- and the YP Enterprises received Rs.10,77,77,778/- from the Society, causing thus a loss of Rs.6,41,56,566/- to the Society deliberately through a conspiracy. The State submits that similarly, there was other transfer of land made causing misappropriation of public money and that the applicant was part and parcel of the conspiracy to siphon off public money.

14. Inter alia, the State submits that the applicant joined the investigation pursuant to interim protection orders and stated that he formed the firm YP Enterprises at the instance of the accused Pradeep Shehrawat, and that he used to sign all cheques in advance which were used by the accused Pradeep Shehrawat and Satender Maan as per their wishes and requirement, and that he could not state the total land purchased in the firm YP Enterprises nor the total money received from Revanta Multi State CGHS Ltd. nor Rewanta welfare. The applicant is stated to have allegedly informed the Investigating Agency that he used to sign the sale deeds as per instructions of Pradeep Shehrawat for which he used to receive Rs 40,000/- per month, and during interrogation he stated that he studied in Ireland with the accused Pradeep Shehrawat and had become his friend and used to do Computer Graphics/Printing in the name of Mentor House and did printing job for Rewanta and the account statement showed that he received Rs.16,86,600/- in his personal name and Rs.61,80,632/- in the name of the firm Mentor House from the account of Rewanta Multi State and Rs.17,67,135/- from other account of PS4 Infrastructure Pvt Ltd.

15. Inter alia, the State has submitted that the investigation has revealed involvement of the applicant as under:-

> *"1. There are two bank account of YP Enterprises i.e. Account No. 50200008961869 in HDFC Bank and A/ c No. 11687962 in Kotak Mahindra Bank, both at Dwarka.*
> *2. YP Enterprises received Rs. 85,67,70,103/- from Revanta Multistate CGHS Ltd. and given back Rs. 10,93,50,000/- to Revanta Multistate CGHS Pvt Ltd. Hence, in total YP Enterprises received Rs. 74,74,20,103/- from Revanta Multistate CGHS Pvt. Ltd.*
> *3. From the record of society, it revealed that YP Enterprises got registered, land admeasuring 7.44 Acre, in the name of Rewanta Multi state CGHS Ltd. via 8 registry and land admeasuring 1.28 Acre is still under GPA. Hence, in total 8.72 Acre land was purchased by YP Enterprises for the Society.*
> *4. Padam Singh Dagar received Rs 13,68,600/- from A/c of YP Enterprises at Kotak bank.*
> *5. Padam Singh Dagar received Rs 3,20,000/- from A/c of YP Enterprises at HDFC bank.*
> *6. Padam Singh Dagar received Rs.4,00,000/- from A/c of PS4 Infratech Pvt. Ltd (a company received more than Rs 104 Crores from Revanta Society).*
> *7. Padam Singh Dagar received Rs.17,67,135 /- from A/c of PS4 Infratech Pvt. Ltd in his company Mentor House Pvt Ltd wherein he is a Director since inception.*
> *8. Padam Singh Dagar received Rs.61,80,632/- from A/c of Revanta Multistate CGHS Ltd A/c No. 4311469709 in his company Mentor House Pvt Ltd wherein he is a Director.*
> *9. Padam Singh Dagar received Rs.278033/- from A/c of Revanta Welfare Society A/c No. 9511329068 in his company Mentor House Pvt Ltd wherein he is a Director.*
> *10. Padam Singh Dagar received more than Rs.81 lakh- from A/c of Kamp Developers Pvt Ltd (The company where Pradeep Shehrawat, President of Revanta Society is a Director) in his company Mentor House Pvt Ltd*

wherein he is a Director. A separate case FIR No. 31/21 U/s 409/420/120-B IPC PS EOW is registered in the matter of Kamp Developers Pvt Ltd.
11. Money was parked in other related firm and mainly in Stock broking firm in order to siphon off the fund."

16. The State has further submitted that the trail of money siphoned off through transfers in various accounts and taken in cash by the accused persons is to be verified and recovered, and thus, custodial interrogation of applicant is required. The State has opposed the prayer made by the applicant seeking grant of anticipatory bail.

17. The applicant through his submissions contends to the effect:-

- that he is a 36 years old businessman with clean antecedents;
- that he has aged parents along with his wife and children to look after;
- that he is a permanent citizen of the nation having deep roots in the society which eliminates the chance of absconding from the clutches of law;
- that he has joined the investigation as and when called by the Investigating Agency and undertakes to join the investigation as and when directed;
- and that no custodial interrogation of the applicant is required anymore in as much as the applicant has submitted all documents to the Investigating Officer as when called upon to do so;
- and that all transactions as alleged to have been done by the applicant are admittedly through registered bank channels and all documentary proofs as required by the Investigating Agency

is on record and there is no possibility of tampering with the evidence.

Inter alia, the applicant submits that the Investigating Agency is already in possession of all documentary evidence. The applicant also seeks release on anticipatory bail on the grounds of parity with other co-accused in the matter and submits that the co-accused Yogender Singh Yadav, a partner in the firm YP Enterprises, has been granted anticipatory bail vide order dated 31.01.2022 of this Court in Bail Appln. 2890/2021.

18. A catena of verdicts has been relied upon on behalf of the applicant, which are as follows:

> ***"1. Somabhai Devabhai Nadoda Vs. State of Gujrat (Crl Misc. Appl. No. 647/2021) of Hon'ble Gujrat High Court;***
> ***2. Paily Mathew Vs. State of Kerela (Bail Appl. No 5217/2019) of Hon'ble High Court of Kerela;***
> ***3. Santosh Vs. State of Maharastra (SLP No. (Crl.) 8439/2017) of Hon'ble Supreme Court;***
> ***4. State of Rajasthan Vs. Balchandbaliy, 1977 4 SCC 308;***
> ***5. R. Vasudevan v. CBI, 2010 SCC Online Del 130;***
> ***6. Inder Mohan Goswami v. State of Uttaranchal, (2007) 12 SCC 1;***
> ***7. Narendra Singh and Another v. State of M.P. (2004) 10 SCC 699;***
> ***8. Siddharam Satlingappa case [(2011) 1 SCC 694];***
> ***9. Joginder Kumar case [(1994) 4 SCC 260];***
> ***10. Bhadresh Bipinbhai Sheth v. State of Gujarat (2016) 1 SCC 152;***
> ***11. Ravindra Saxena v. State of Rajasthan, (2010) 1 SCC 684.",***

to contend to the effect that he be released on anticipatory bail.

19. On a consideration of the submissions made on behalf of either side as reflected through the status report and brought forth through submissions made, it is observed that all other co-accused in the instant case are either on regular bail or anticipatory bail, and there are no previous adverse antecedents against the present applicant. Through the status report, it is apparently reflected that alleged documentary evidence has already been collected by the Investigating Agency, and it is qua the trail of money, allegedly siphoned off through transfers in various accounts and taken in cash by the accused persons, that the State seeks to verify and recover from the applicant.

20. The averments made in the status report reflect that the stated receipt of money by the applicant is shown to be through bank accounts in the name of YP Enterprises or in the name of Mentor House Pvt. Ltd. of which the applicant is a Director. The applicant is also indicated to have joined the investigation pursuant to interim protection granted by the Court. The allegations levelled against the applicant are similar to those levelled against Yogender Singh Yadav, alleged partner of YP Enterprises, who claims that he is an employee thereof. Thus, on a parity of reasoning, in as much as, the co-accused Yogender Singh Yadav has been granted anticipatory bail vide order dated 31.01.2022 in Bail Appln. 2890/2021 and other co-accused are also on regular bail, with there being apparently no custodial interrogation required in the matter, it is considered appropriate to allow the prayer made by the applicant seeking release on anticipatory bail in the event of arrest on filing a bail bond in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of the learned Trial Court with directions to the applicant to the effect that:-

- he shall under no circumstances leave the country without the permission of the learned Trial Court;
- he shall join the investigation of the case as and when required by the Investigating Agency;
- he shall keep his mobile phone on at all times;
- he shall drop a PIN on the google map to ensure that his location is available to the Investigating Officer of the case;
- he shall commit no offence whatsoever during the period that he is on anticipatory bail.

The application is disposed of.

ANU MALHOTRA, J.

JULY 28, 2022
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