

CRM-M-3438-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3438-2022
Reserved on: 29.08.2023
Pronounced on: 19.10.2023

Gurpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. Vikram Sharma, Advocate and
Mr. Prabhdeep S. Bindra, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
79	16.07.2020	City Zira, District Ferozepur	406, 420, 467, 468, 471, 120B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 26 of the bail petition, the accused declares that he has no criminal antecedents.
3. Vide order dated 28.01.2022, Coordinate Bench of this Court had directed that in the meantime, no coercive steps be taken against the petitioner. The said interim order continued till 18.05.2023. Thereafter on 18.05.2023, this Court had granted interim bail to the petitioner subject to complying with some conditions and the said interim bail is continuing till date. On 25.08.2023, petitioner’s counsel voluntarily submitted that they want to handover the fixed deposit of around Rs.21 lacs as per the previous proposals.
4. Reply dated 18.02.2023 was filed in this case and after that the State has made extensive argument in this matter as well as in so many connected matters. Para 13 of the said reply is relevant, which reads as under:-

“That the accused/petitioner as well as his co-directors
Sukhjot Singh non-applicant while giving power of attorney to

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Bhupinder Singh who is one of the employee of the company, have sold huge chunk of land through several sale deeds (detailed as above) in favour of normal persons Rs.5,78,41,363/- and the market value of the same is Rs.17,00,00,000/- approximately, furthermore these properties are sold since from 22.05.2018. Moreover, accused/petitioner is direct link with the main director of PACL Ltd. as he is real nephew of Nirmal Singh Bhangu. Moreover the amount so received from the sale deed is neither deposited with the Lodha Committee nor in the bank accounts of PACL Ltd."

4(a) A report by way of affidavit dated 11.08.2023, has also been handed over in the Court and para 19, 20, 21 & 22 of the said affidavit are also relevant which reads as under:-

"19. That, in the year 2008, PACL Ltd. had signed Mous with Dhillon Properties Pvt. Ltd. and Dhillon Empires Pvt. Ltd. to develop a colony by the name of Nishant Bagh @ Pearls Nishant Bagh by Dhillon Properties Pvt. Ltd. and Dhillon Empires Pvt. Ltd. in Patiala on the land situated in villages Daun Kalan and Urf Rurki, Tehsil and District Patiala with the funds of PACL Ltd.

20. That, subsequently, as per MoU, Dhillon Properties Pvt. Ltd. and Dhillon Empires Pvt. Ltd. developed a colony namely Nishant Bagh, Patiala. Accused Gurpreet Singh Bhangoo in collusion with co-accused Sukhjit Singh, being directors of Dhillon Properties Pvt. Ltd. and Dhillon Empires Pvt. Ltd. passed resolutions vide meeting dated 16.03.2018 authorizing Bhupinder Singh son of Ram Saroop to sign and execute the sale deeds in favour of buyers of plots of Nishant Bagh, Patiala, despite having knowledge that both Dhillon Empire Pvt. Ltd. and Dhillon Properties Pvt. Ltd. have been mentioned as group/ associate entities of PACL Ltd. at serial No. 115 and 116 respectively by SEBI in the list annexed with AP No. 2644 dated 07.09.2016 (Annexure R-2) vide which registration authorities N of all the States and Union Territories were requested not to act upon any document purporting to be dealing with transfer of properties of PACL Ltd. and/or its group/ associate entities.

21. That on the basis of above said authorisation, co-accused Bhupinder Singh son of Ram Saroop executed the sale deeds of 39 plots in year 2018, 2019 and 2020 for consideration amount of Rs. 5,78,41,363/-. Accused Gurpreet Singh Bhangoo in connivance with co-accused Sukhjit Singh fraudulently and illegally sold properties related to PACL Ltd. through co-accused Bhupinder Singh in violation of orders dated 25.07.2016 of Hon'ble Supreme Court restraining alienation of properties belonging to PACL Ltd. its associate and group companies/ directors/ promoters/agents/ employees and other concerned individuals.

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22. That the sale proceeds from the sale of aforesaid plots were misappropriated by accused Gurpreet Singh and Sukhjit Singh. During investigation, the petitioner was asked to supply the detailed accounts of the sale proceeds, but he failed to produce the same.”

5. Petitioner’s stand taken in paras 8 & 9 of the bail petition is that he is a Director of two companies namely Dhillon Empire Pvt. Ltd. and Dhillon Properties Pvt. Ltd. They had entered into an agreement and the said agreement was cancelled by Dhillon Empire Pvt. Ltd. and Dhillon Properties Pvt. Ltd. as PACL India Ltd. and M/s Pearls Infrastructure Projects Ltd. had violated the terms of MOU and Project Management Agreement and left the project without any further assistance. On cancelling the said MOU and Project Management Agreement, Dhillon Empire Pvt. Ltd. returned the money taken by PACL Pvt. Ltd. by giving a cheque of Rs.3 crores to PACL Ltd. in April 2016 out of Rs.9 crores received by the Dhillon companies. In paragraph 10 of the petition, the petitioner states that there is no relationship between both the companies in any manner and the major amount of financial assistance taken from PACL India Ltd. had already been refunded.

6. The allegations against the petitioner are that he along with co-accused Sukhjit Singh, had executed sale deeds of 32 plots to 32 persons in the year 2018 to 2020. The said Sukhjit Singh was granted bail by this Court vide order dated 13.04.2023 passed in CRM-M-4451-2022. The case of the petitioner is identically supported by Sukhjit Singh and different from the case of other accused. It is not the stand of the State that they have challenged the order dated 13.04.2023, before the Hon’ble Supreme Court of India.

7. Given above, this court cannot pass a contradictory order when both, the present petitioner and co-accused Sukhjit Singh are similarly placed. On this ground alone, petition is allowed and interim order dated 18.05.2023 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.10.2023
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.