

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4511-2023 (O&M)

Date of Decision:-13.2.2023

Rishi Raj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.43, dated 28.11.2022 at Police Station State Vigilance Bureau, Gurugram, under Section 409, 418, 420, 467, 468, 120-B of Indian Penal Code and Sections 13(1)(c), 12(1)(d), 13(2) of Prevention of Corruption Act.
2. As per the case of prosecution, the Estate officer, HUDA had put up SCO No. 30, Sector 23/23-A, DSC Gurugram for auction in the year 1997 and the same was allotted to its highest bidder i.e. M/s R.R. Foundation Engineering Private Limited on 27.11.1997 for an amount of Rs.39,52,000/-. A formal allotment letter No. 288 dated 18.12.1997 was also sent by HUDA to M/s R.R. Foundation Engineering Private Limited. However, the same was received back with the report that no such company exists at the given

address. Consequently, the allotment amount of 15 percent required to be deposited initially was not deposited by M/s R.R. Foundation Engineering Private Limited and the allotment letter was cancelled on 10.4.1998. Though, M/s R.R. Foundation Engineering Private Limited preferred an appeal and also a revision against the said order but the same were dismissed on 16.4.1999 and 28.2.2000. M/s R.R. Foundation Engineering Private Limited also approached the District Consumer Redressal Forum, Gurugram but remained unsuccessful even before the Forum. The appeal filed against the judgment dated 1.8.2018 passed by the District Consumer Redressal Forum was also dismissed by the State Consumer Disputes Redressal Commission, Haryana on 30.11.2011.

3. One V.K. Goel, Attorney of Rishi Raj (petitioner), Director, M/s R.R. Foundation Engineering Private Limited filed CWP No. 12629 of 2016 and CWP No. 8565 of 2018 for getting the allotment restored in respect of SCO No.30 and also SCO No.8. During the pendency of the said writ petitions, the GPA holder namely Shri V.K. Goel moved an application before the government on 7.3.2018, which was sent to the office of the Chief Administrator, HUDA, Panchkula.
4. It is further the case of prosecution that the Chief Administrator, HUDA vide letter No.122448 dated 15.6.2018 and e-mail dated 27.7.2018 directed the Estate Officer, HSVP, Gurugram to investigate as to why the allotment letter had not been received by M/s R.R. Foundation Engineering Private Limited and that in case the same had not been issued, then necessary steps be taken in this regard after verification of the facts and it was directed that report be submitted within three days. One e-mail to a similar effect was also sent to the Administrator, HSVP, Gurugram. It is alleged that the Estate Officer,

HUDA, Gurugram thereafter reissued allotment letter vide letter No.739 dated 22.6.2018 and that too at the old price. The order of re-allotment was issued by Ram Swaroop Verma, the then Administrator, HUDA with the permission of the Chief Administrator, HUDA. It is alleged that Bharat Bhushan Taneja, Superintendent did not bring the correct facts to the notice of the Chief Administrator, HUDA and prepared a wrong noting to be placed before the Administrator, HUDA and Estate Officer, HUDA and that no permission was sought by the Estate Officer, HUDA from the Chief Administrator, HUDA for re-allotment of the SCO. One Subhash Chander was allegedly working as Deputy Superintendent at the relevant time and had prepared the noting at the initial level, allegedly in connivance with other accused.

5. Reply by way of affidavit of Shri Satender Kumar, HPS, Deputy Superintendent of Police, State Vigilance Bureau, Gurugram has been filed by learned State counsel, which is taken on record.
6. Learned counsel for the petitioner has submitted that he has no role to play whatsoever in the alleged fraud and that as a matter of fact it is the co-accused V.K. Goyal, who had played crook by forging a power of attorney purported to have been executed by the petitioner in his favour so as to pursue the case of allotment of SCOs, whereas the petitioner had given up his claim for allotment after the same was initially cancelled in the year 1998. It has been submitted that the photograph of the petitioner as annexed on the power of attorneys (Annexure P-13/A) has apparently been lifted from internet. It has also been submitted that there is mismatch of various dates as mentioned in the power of attorneys and which clearly shows that the said power of attorneys have been fabricated.

7. On the other hand, learned State counsel, upon whom an advance copy of petition had already been served, has submitted that it is the petitioner, who would have been the beneficiary of re-allotment and that the petitioner cannot feign ignorance about the steps being taken for the purpose of re-allotment by attorney of the petitioner i.e. filing an appeal before Administrator, HUDA, Gurgaon, which was dismissed vide order dated 16.4.1999 (Annexure P-8); the order dated 16.4.1999 passed by Administrator HUDA, Gurgaon had been challenged before Commissioner and Secretary to Government of Haryana, Town and Country Planning Department, Haryana, Chandigarh by way of filing revision petition, which also came to be dismissed vide order dated 8.5.2000 (Annexure P-9); filing of complaint before District Consumer Redressal Forum, Gurugram, but the same was also dismissed vide order dated 1.8.2018; the order dated 1.8.2018 passed by District Consumer Redressal Forum had been challenged before State Consumer Disputes Redressal Commission, Haryana by way of filing an appeal, but the same was also dismissed vide order dated 30.11.2011 (Annexure A-11). Thereafter, the petitioner filed CWP No.12629 of 2016 and CWP No.8565 of 2018 in this Court for getting the allotment restored in respect of SCO No.30 and 8.
8. This Court has considered the rival submissions addressed before this Court.
9. It is the petitioner to whom the SCOs in question were initially allotted and were later cancelled. Needless to mention that in case the allotment was restored, it is the petitioner who would have benefited upon such restoration/re-allotment of the SCOs. The contention of the petitioner that his power of attorneys have been forged cannot be accepted as both the said power of attorneys are duly registered before the Sub Registrar. The Sub

Registrar at the time of registration must have compared the photographs of the executant with the executant who would have signed in his presence. In these circumstances, the petitioner being the main accused, his custodial interrogation would be required to unearth all other finer details of the *modus operandi* adopted by the accused. The petition is sans merit and is hereby dismissed.

13.2.2023

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No