

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5618-2023 (O&M)

Date of Decision:- 10.4.2023

Pankush Suneja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr R.S. Rai, Senior Advocate with
Ms. Rubina Vermani, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Deepak Sabharwal, Advocate for HSVP.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 42 dated 28.11.2022 under Sections 420, 467, 468, 471/120-B IPC and under Sections 7-A & 7-C, 13(1)(a), 13(1)(b) and 13(2) of the Prevention of Corruption Act, 1988 at Police Station SVB, Gurugram, District Gurugram.
2. The allegations, in nutshell, are that one Veena Malik had submitted an application to Administrator HUDA on 26.3.1992 for allotment of land measuring one acre on lease for 99 years for the purpose of setting up of a school by the name 'New Spring Dale Public School'. Somehow, instead of allotting one acre of land, the Estate Officer, HUDA, Gurugram issued letter for allotment of 1.5 acres of land. Though on 8.2.1994, Smt. Veena Malik deposited 25% of the allotment money i.e. Rs. 52,785/- but did not deposit

the balance amount and on account of which the Estate Officer, HUDA withdrew the allotment vide letter dated 8.9.2003, addressed to the Principal, New Spring Dale Public School. An appeal was presented on 21.2.2004 to Administrator, HUDA on behalf of the Secretary, New Spring Dale Education Society, Panchkula for review of the letter of withdrawal but the same was dismissed on 4.5.2004. Sanjay Dalal, who had been representing himself to be a member of the School-Society filed a revision petition before the Financial Commissioner and Secretary to Govt. of Haryana, Town and Country Planning, Chandigarh which was dismissed in default vide order dated 8.8.2007. Thereafter, said Sanjay Dalal filed a revision petition to the Financial Commissioner and Secretary to Govt. of Haryana, Town and Country Planning, Chandigarh on the basis of forged documents which was dismissed on 19.12.2008. Thereafter, Seema Goel filed a writ petition in this Court representing herself to be a member of the said School-Society on the basis of forged documents. This Court vide order dated 13.2.2012 directed the parties to appear before the Financial Commissioner on 16.4.2012 and the Financial Commissioner was directed to take a decision expeditiously. The Additional Chief Secretary to Govt. of Haryana, Town and Country Planning, Urban Estate vide its order dated 4.8.2015 directed the Estate Officer, HUDA to issue allotment letter in respect of land measuring one acre. Subsequently, the accused got a legal notice dated 12.7.2016 served through Vineet Sehgal, Advocate seeking possession of originally allotted land measuring 1.5 acres, which was rejected by the Principal Secretary to Govt. of Haryana, Town and Country Planning vide order dated 16.5.2018. However, the Chief Administrator, HUDA vide its order dated 14.5.2019 accepted the request of Seema Goel

and directed the Administrator, HUDA to offer possession of a newly carved out plot measuring 1.5 acres. It is further alleged that when the Administrator, HUDA ordered his subordinates to put up the original file, the notings were prepared by Balraj, Accountant, Jagmohan Gupta, Accounts Officer, Mukesh Solanki, the then Estate Officer-II, HUDA, Gurugram and it was intimated that letter of allotment in respect of 1.5 acres of land had been issued on 18.7.2019 but possession of the same had not been handed over. The Chief Administrator, HUDA directed that the possession of land in question be handed over within seven days.

3. It is the case of prosecution that during the course of investigation, it had surfaced that order dated 14.5.2019 passed by the Chief Administrator, HUDA was in respect of a different site allotted to the Society in the year 1994 and that the circle rate of the site in dispute, as in the year 2019-2020, was Rs. 28,000/- per square yard, which was much more than the price at which the plot had been originally allotted in the year 1994. An inquiry was conducted against the then Chief Administrator D.Suresh, HUDA, Estate Officer-II Mukesh Solanki, Balraj, the then Accountant and Jagmohan Gupta, the then Accounts Officer. Sanjay Dalal is alleged to have forged the signatures of the members of the school-society and on the basis of said forgery had represented himself to be Secretary of the school-society. Veena Malik furnished affidavit that Sanjay Dalal, Vasisth Kumar Goel and Seema Goel had never been appointed as members of the school-society and that their signatures on the appointment and resignation letters are forged. The case was initially registered against Sanjay Dalal, Vasisth Kumar Goel, Seema Goel and Amit Kumar. Vasisth Kumar Goel was arrested on 3.12.2022 and disclosed that he had paid an amount of Rs. 25 lacs to

Pankush Suneja (petitioner), who further passed on the same to D.Suresh, the then Chief Administrator, HUDA for allotment of land to New Spring Dale Public School and consequently offences under Prevention of Corruption Act was also added. The petitioner Vashisht Kumar Goel was arrested on 4.12.2022.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on the basis of a disclosure statement of co-accused Vashisth Kumar Goel which would hardly carry any evidentiary value. It has further been submitted that even as per the disclosure statement, the role attributed to the petitioner is that of a conduit and that he himself had not benefited in any manner.
5. Opposing the petition, learned State counsel has submitted that the petitioner was hand-in-gloves with the co-accused and that since it was through the petitioner that the illegal gratification had been passed on, the complicity of the petitioner is clearly evident. The learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 4 months and that investigation is complete and challan stands presented.
6. This Court has considered rival submissions addressed before this Court.
7. The petitioner has been nominated on the basis of a disclosure statement made by a co-accused. The veracity of said statement is yet to be established. In any case, this Court need not comment on the merits of the case at this stage. The petitioner, otherwise has been behind bars for a substantial period of more than 4 months. Investigation is complete and challan stands presented. In these circumstances, further detention of the petitioner will not serve any useful purpose.

8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.4.2023

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(Gurvinder Singh Gill)
Judge

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