

2023:PHHC:042563

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

CRM-M-12964-2023 (O&M)

(1) Daljit Singh ...Petitioner
Versus
State of Punjab ...Respondent

(2) **CRM-M-11812-2023 (O&M)**

Mahesh Bansal ...Petitioner
Versus
State of Punjab ...Respondent

Date of Decision:- 23.3.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. A.P.S.Deol, Senior Advocate with
Mr. H.S. Deol, Advocate for the petitioner
in CRM-M-12964-2023.

Mr. R.S.Cheema, Senior Advocate with
Mr. Sanjeev Sharma, Senior Advocate with
Mr. Vikram Vir Sharda, Mr. Sandeep Singh, Advocates
for the petitioner in CRM-M-11812-2023.

Mr. Luvinder Sofat, DAG, Punjab and
Mr. Siddharth Attri, AAG, Punjab,
assisted by Inspector Pritpal Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Daljit Singh and Mahesh Bansal in a case registered vide FIR No. 3 dated 17.1.2023 under Sections 13(1)(a) read with Section 13(2) of the Prevention of Corruption Act, 1988 and Sections 409, 420/120-B IPC at

Police Station Vigilance Bureau, FS-1, Punjab, District SAS Nagar Mohali.

While petitioner Mahesh Bansal seeks grant of regular bail, the petitioner Daljit Singh seeks grant of anticipatory bail.

2. The FIR was lodged at the instance of Umesh Goyal wherein he alleged that although Sunehra Singh had entered into an agreement dated 29.5.2017 for sale of his plot measuring 500 square yards situated in IT City, Mohali, to the complainant but Sunehra Singh, in connivance with the officials of Greater Mohali Area Development Authority (GMADA) transferred the same in favour of Parminderjit Singh and another by way of issuance of a Letter of Intent (LOI) dated 12.3.2018 in their favour, though complainant had already submitted three applications to GMADA voicing his apprehensions.
3. The learned counsel representing the petitioner – Mahesh Bansal who was serving as Estate Officer, GMADA has submitted that the plot in question belonging to Sunehra Singh had been transferred in favour of Paraminderjit Singh and another and LOI dated 12.3.2018 had been issued in accordance with the rules and that in case the complainant had entered into any agreement with the owner Sunehra Singh, the same *ipso facto* would not operate as any kind of ‘stay’ so as to debar GMADA from transferring the property. It has been submitted that although a Civil Suit i.e. Civil Suit No. 299/2019 titled as Umesh Goyal versus Sunehra and others had been instituted by the complainant but no interim injunction had been issued in the same so as to injunct GMADA in any manner.
4. The learned senior counsel representing petitioner - Mahesh Bansal has further submitted that the challan qua the petitioner in any case stands

submitted and as such, his further incarceration would not serve any purpose, particularly when some other co-accused are yet to be arrested and trial is yet to commence.

5. The learned counsel representing the petitioner - Daljit Singh has submitted that he was working as a Senior Assistant in GMADA and had no role to play in issuance of LOI in question which had been issued pursuant to an order passed by the Estate Officer. The learned counsel has further submitted that as a matter of fact his ID had been misused by co-accused for the purpose of issuance of LOI. It has further been submitted that at best the present case could be a case of civil liability wherein the landlord had sold the plot in question to one Parminderjit Singh despite having entered into an agreement for sale of the same in favour of the complainant and that LOI, if any, which had been issued, had been issued in accordance with the rules and the same in any case was required to be issued particularly when no 'stay order' had been passed by any Civil Court though some civil suit is stated to have been filed.
6. Opposing the petitions, the learned State counsel has submitted that it is a case where all the accused were hand-in-gloves with each other for the purpose of issuance of LOI dated 12.3.2018 in favour of co-accused Parminderjit Singh so as to facilitate transfer in his favour in a hurried manner, though there was a dispute in respect of the property in question and a civil suit was pending and in respect of which the complainant had already furnished information to GMADA. The learned State counsel has submitted that the accused Mahesh Bansal had already suffered a disclosure statement admitting his involvement and also of the co-accused including the

petitioner and has categorically stated regarding acceptance of bribe and as such, petitioner Mahesh Bansal having admitted his guilt does not deserve to be released on bail. The learned State counsel has further submitted that since Mahesh Bansal, in his disclosure statement, has admitted having received an amount of Rs. 15 lacs out of which he had further paid an amount of Rs. 1.5 lacs to Daljit Singh, Senior Assistant (petitioner) and Rs. 1 lac to Gurdeep Singh, Record Keeper, the complicity of Daljit Singh, Senior Assistant is also evident.

7. It has further been submitted by learned State counsel that as a matter of fact the plot in question situated in IT City, Mohali did not fall in the area which had been allocated to the petitioner Daljit Singh for the purpose of discharging his duties and that it was his colleague Harmanpreet Kaur who was incharge of the IT City, Mohali and whose statement has been recorded to the effect that she was incharge of the said area w.e.f. 29.1.2018 to 6.4.2018 and that she was present in office on the day when LOI dated 12.3.2018 was issued. The learned State counsel has pointed out that the observations, as recorded in order dated 8.2.2023 of learned trial Court to the effect that Harmanpreet Kaur was on leave on the said date are against the record. A prayer for dismissal of both the petitions has, thus, been made by learned State counsel.
8. This Court has considered rival submissions addressed before this Court.
9. As far as the case of the petitioner - Mahesh Bansal is concerned, he is working as Estate Officer in GMADA and the LOI is issued only pursuant to an approval accorded by him for issuance of the same. It is the specific case of the prosecution that petitioner Mahesh Bansal, consequent upon his arrest

admitted having received an amount of Rs. 15 lacs from Parminderjit Singh through a property dealer and out of which he further gave an amount of Rs. 1.5 lacs to Daljit Singh, Senior Assistant (petitioner) and Rs. 1 lac to Gurdeep Singh, Record Keeper. The veracity of the said disclosure statement would be established during the course of trial in case the prosecution is able to lead some corroborative evidence. The investigation qua the petitioner, in any case, is stated to be complete and challan stands presented. The petitioner is stated to be behind bars since the last about 2 months and is not stated to be involved in any other case. In these circumstances, further detention of the petitioner Mahesh Bansal will not serve any useful purpose. Petition qua Mahesh Bansal, as such, merits acceptance.

10. As far as the case of petitioner Daljit Singh for grant of anticipatory bail is concerned, apart from the fact that co-accused Mahesh Bansal in his disclosure statement has specifically stated that out of the bribe amount of Rs. 15 lacs received by him, he had paid an amount of Rs. 1.5 lacs to Daljit Singh, Senior Assistant, there is other evidence also to establish his involvement. First of all, it is a case where the petitioner had issued LOI dated 12.3.2018 in respect of an area which was not within his domain and he was not incharge of the same. It was Harmanpreet Kaur who was incharge of IT City Mohali where the plot in question was situated. Though, during the course of arguments, the learned counsel for the petitioner submitted that the LOI was issued as Harmanpreet Kaur was on leave on the given day but the learned State counsel, upon instructions from Inspector Pritpal Singh, has informed that the statement of Harmanpreet Kaur had

been recorded and as per which she was not on leave on the said day. Though, the petitioner has also taken a plea that the LOI had perhaps been issued by the co-accused Gurdeep Singh or that his ID has been used by someone else but the learned State counsel has submitted that the ID cannot be misused by anybody else as the same can only be operated pursuant to uploading OTP which is received on the mobile phone of such user and that the ID of the petitioner could not have been used by anybody else unless such other person also had access to the mobile phone of the petitioner so as to get OTP from the same and to fill in the same in the computer. The involvement of the petitioner in issuance of LOI in return of illegal gratification when in fact the petitioner was not even authorized to issue the same in respect of the area where the plot in question was situated clearly indicates his complicity. His custodial interrogation would be required to unearth the finer details and the actual *modus operandi* adopted by the accused. As such, he does not deserve to be granted anticipatory bail.

- 11. In view of the discussion made above, while the petition for grant of regular bail filed on behalf of Mahesh Bansal is accepted and the petitioner Mahesh Bansal 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, the petition for grant of anticipatory bail filed on behalf of Daljit Singh is declined, being sans merit.
- 12. A photocopy of this order be placed on the file of connected case.

23.3.2023
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(Gurvinder Singh Gill)
Judge

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