

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-20648-2021 (O&M)
Reserved on: 12.10.2023
Pronounced on: 19.10.2023

Vikramdeep @ Vikramjit

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Amandeep Singh Manaise, Advocate
for the complainant.

ANOOP CHITKARA, J.

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

1. The petitioner, apprehending arrest in the FIR captioned above, had come up before this Court by filing the present petition on 18.5.2021 under Section 438 CrPC, seeking anticipatory bail.
2. After initial delay due to Covid-19 pandemic, this petition was listed for the first time on 25.5.2021 through video conferencing and on that day, it was adjourned. Thereafter, the matter was listed along with other connected matters on number of times and ultimately, on 14.01.2022, a coordinate Bench of this Court, while observing that since one of the co-accused who had filed a different bail petition had got interim protection that no coercive steps would be taken against him and in other cases, there was no interim order, and as such, that interim protection was extended to the present petitioner also.
3. Thereafter, vide order dated 26.8.2022, this Court extended the interim order subject to the conditions that the petitioner shall declare his assets and surrender his

fire arms, if any.

4. On 29.9.2022, petitioner's counsel stated that they had complied with the previous order. Thereafter, vide order dated 18.5.2023, this Court converted the order of not taking any coercive steps into that of interim bail subject to compliance of order and the said order is continuing till date.

5. In paragraph 8(xi) of the bail petition, the accused declares that he has no criminal antecedents.

6. In compliance of order dated 3.10.2023, the petitioner has handed over his affidavit dated 5.10.2023, in Court, which was taken on record. It would be relevant to refer to paragraphs no.3 to 7 of the said affidavit, which read as under:-

- "3. That the deponent along with his cousin Rajinder Kumar son of Ram Chand resident of Village Jatwali @ Vibran Ram Nagar, Tehsil and Fazilka had purchased District the land mentioned in the main petition in equal share from Pearl Green Forest Limited Company in the year 2010.
4. That at the time of purchase of land, the petitioner was about 21 years old and was a student and father of the deponent purchased this land in his name.
5. That the mutation of the above said land has been sanctioned in the name of deponent and Rajinder Kumar. From the date of purchase of this land, the deponent is in possession of this land. The deponent has not sold out this land to anyone.
6. That the deponent further undertakes that the deponent will not sell out the above said land in future. The deponent has purchased this land for agricultural purpose and now he is cultivating the same and is in possession of the above mentioned land.
7. That the deponent has also taken agricultural limit loan of Rs.6 lakhs on the said land for the agricultural purposes and deponent undertakes that he will pay the loan installments on time and will not default the same. The deponent undertakes that he will not create any type of third party interest qua this land."

7. The crime relates to a massive scam involving Rs.10 thousand of crores of rupees of general public by two companies i.e. PACL and PFG Limited. The *modus operandi* of the persons, who were controlling the PACL and PFG Limited, was to allure innocent investors to invest in plots and lands of the company with an assurance that their money would be doubled in a very short span of time. The companies utilized the services of various unethical agents, who allured and convinced the people about the validity and genuineness of the claims made by PACL and PFG Limited. In the inquiry

conducted by CBI, they got sufficient evidence that PACL and PFG Limited were sisters concerns and routing money by laundering.

8. When the scam was highlighted, initially, the CBI registered FIR No.RC.BD-1/2014/E/004/BS&FC/New Delhi dated 19.02.2014 under Sections 409, 411, 420, 467, 468, 471, 120-B IP. In February, 2014, the CBI had inspected the offices of PACL and confiscated lists of its other assets and subsidiary companies throughout the country. Considering the mammoth volume of the scam, inquiry was also initiated by the Enforcement Directorate and SEBI and now, the Punjab Police.

9. In the meantime, the matter went to the Hon'ble Supreme Court, which constituted a committee headed by former CJI Justice R.M. Lodha (Retd.) for reimbursement of the money belonging to the investors of PACL by disposing of its properties and its associate companies. The order was passed in Civil Appeal No.13301/2015 on 2.2.2016. Subsequently, vide order dated 25.7.2016, the Hon'ble Supreme Court stayed the sale of properties of PACL and PFG Limited. The Lodha Committee issued advisories to the people at large not to deal with the properties of PACL within or outside India.

10. The accused were influential people threatening the complainant and using unfair means to dispose of its properties. In the inquiry mentioned above, the investigator got substantive evidence that despite orders passed by the Supreme Court, the PACL and its subsidiary companies illegally and fraudulently, in violation of the orders of the Supreme Court, disposed of some properties and, based on such report, the present FIR no.79 dated 16.7.2020, captioned above, was registered.

11. After the registration of the FIR, a Special Investigation Team was constituted, headed by the Superintendent of Police, and the DySP and other officials were its members. In the enquiry it transpired that PACL had purchased around 715 acres of land, in its name or the names of its associated companies and names of some individuals.

12. Petitioner raised various grounds for bail in paragraph 8 of the petition. It will be appropriate to reproduce relevant paragraph Nos.8(i), (ii), (vi) and (viii), which read as under:-

- "i) Because admittedly, the land has been purchased by petitioner and Rajinder Kumar by paying the entire sale consideration to the tune of Rs.1,00,64,500/- and there are documentary proofs as the amount of Rs.83,64,500/- by way of demand draft and remaining amount by way of cash qua which receipts of company are there.
- ii) Because though allegations are there that the sale deed was executed qua the land 8 kanals 8 marlas in favour of Rajinder Kumar and petitioner

on 10.5.2010 but the mutation was sanctioned qua 78 kanals 8 marlas. In fact, after receiving the entire amount, authorized persons of the company executed sale deed of 8 Kanals 8 marlas and it was told to Rajinder Kumar and petitioner that qua the remaining land, as per company policy, they have to execute number of sale deeds of different areas which they will execute. In those days at the time of execution of sale deed, the purchaser was need not to be present. There after, a mutation No.1102 dated 24.5.2010 was provided to Rajinder Kumar and petitioner by the company and they have been told that mutation of 78 kanals 8 marlas have already been sanctioned in their favour. Rajinder Kumar & Vikramjit did not verify the same as the mutation was already sanctioned in their favour. Admittedly, the girdawari is continuously recorded in the name of Rajinder Kumar and Vikramjit in equal shares.”

- “vii) Because the petitioner have not committed any fabrication in the revenue record. Even as per FIR, the Govt. rate of the property at that time Rs.3,00,000/- per acre and even the sale consideration as per Govt. rate was approximately Rs.29 lacs. But the petitioner honestly shown all the entries to the investigating officer and given the actual figure of amount given by the purchaser to the company.
- viii) Because the present case has been registered in order to collect money from the innocent and aggrieved persons. Admittedly, as per FIR, qua the same cause of action, a case has already been registered by CBI. Apart from this, qua the other districts, cases have already been registered by the Punjab Police (this fact has been admitted in the FIR). But without jurisdiction, those transactions again shown in the present FIR.”

13. Thus, a perusal of the bail petition shows that there is no reference of any agreement or copy of sale deed which would show as to what was mutated and actually what was purchased.

14. The allegations against the petitioner are being taken from paragraph 20 of the status report filed by way of affidavit of DySP, Vigilance Bureau, SAS Nagar dated 7.7.2023, which read as under:-

“20. That the allegations against the accused are that P.G.F had purchased land measuring 78 Kanal 8 Marla in village Ram Nagar @ Jatt Wali, District Fazilka. Rajpal Singh son of Amar Singh, resident of Nawi Abadi, Islamabad, Fazilka was agent of P.G.F and was authorized person of this land. Accused Vikramjit and his cousin brother Rajinder Kumar son of Ram Chand had purchased land measuring 8 kanals 8 marlas of land out of above said land of P.G.F situated in village Ram Nagar @ Jatt Wali District Fazilka for a sum of Rs. 3,15,000/- vide deed No. 583 dated 10.05.2010 and stamp papers of Rs.25,200/- were purchased for its sale deed. Accused Vikramdeep's father Satnam Dass is nambardar of village and has put his testimony as witness on above said deed No.583 dated 10.05.2010. Accused Vikramdeep in collusion with his father Satnam Dass and officials/officers of revenue department (Patwari Wazir Singh, Kanungo Paramjit Singh, Tehsildar Amarjit Singh), after putting 22 in front of price of above said land 3,15,000/- and by showing the price of that land as 2,23,15,000/- and by putting 7 ahead of 8 kanals eight marlas and by showing it to be 78 kanals 8 marlas, got sanctioned mutation No. 1102 dated 24.05.2010 in respect of area 78 kanals 8 marlas in his name and he took loan of Rs. 9,90,000/- on 30.10.2018 against land of his share and

his co-accused Rajinder Kumar took a loan of Rs. 8,00,000/- on 17.06.2010 against his share of land. Co-accused Satnam Dass, Rajinder Kumar and Wazir Singh Patwari have already been arrested, who have remained in judicial custody.”

15. Since the allegations against the petitioner relate back to sale deed which was executed on 10.5.2010, undoubtedly, the sale amount of Rs.3,15,000/- is highly under rated, which is now a routine established by some corrupt Government officials who want to invest their ill gotten money in land transactions and to enable them to do so, they keep the circle rates of all lands in the vicinity very low. It appears that the petitioner probably took advantage of such intentional loopholes by such kind of unscrupulous Government employees. Taking advantage of such loopholes and in connivance with officials of the revenue department, the petitioner in conspiracy with his father Satnam Dass put ‘22’ in front of Rs.3,15,000/- and made it Rs.2,23,15,000/- and also put ‘7’ in front of 8 kanals and 8 marlas and made it 78 kanals and 8 marlas of land and thus, got mutation sanctioned. Subsequently, on 10.10.2018, the petitioner and co-accused Rajinder Kumar took loans against their respective portions of their land.

16. A perusal of the status report explicitly clarifies that the amount which was paid for sale deed was Rs.3,15,000/- whereas what was shown to have been paid was Rs.2,23,15,000/- and the land which was initially agreed to have been purchased was 8 kanals and 8 marlas whereas the actual land which was registered was 78 kanals and 8 marlas.

17 Given the serious nature of allegations, no case for bail is made out. The present petition is dismissed **Interim order(s) shall stand vacated.** All pending applications, if any, also stand disposed of.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

(ANOOP CHITKARA)
JUDGE

October 19, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No