

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

CRM-M-18509-2023 (O&M)
Date of Decision:-1.5.2023

Parveen Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Rai, Senior Advocate with
Ms. Isha Goyal, Advocate and
Mr. Raja Paramdeep Saini, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
10	21.2.2023	Vigilance Bureau, Phase-1, Punjab at Mohali, District SAS Nagar, Mohali	409, 420, 120-B of Indian Penal Code and 13(1)(a) read with Section 13(2) of Prevention of Corruption Act, 1988 as amended by PC (Amendment) Act, 2018.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of the aforementioned FIR.
2. The allegations, in nutshell, are that the petitioner, who is a builder/colonizer, had sold plots without getting necessary permissions from the authorities concerned for development of colony. Subsequently, the petitioner applied for

regularization of colony and paid an amount of Rs.6.58 lakhs in December, 2018 but did not pay the balance amount of Rs.2.2 crores and in respect of which a demand notice dated 22.11.2021 (Annexure P-6) had been issued by the authorities concerned. It is thus alleged by the prosecution that the petitioner in this manner had misappropriated the aforesaid amount.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and since the amount in question already stands deposited with the authorities concerned, the petitioner deserves the concession of grant of bail.
4. Learned State counsel has filed reply by way of affidavit of Shri Navdeep Singh, PPS, DSP, Vigilance Bureau, Roopnagar Range at S.A.S. Nagar, which is taken on record. It has specifically been deposed in the reply that the balance amount of Rs.2,22,51,105/-, which is in the nature of compounding/development charges already stands paid.
5. Learned State counsel has informed that the petitioner has been behind bars since the last more than 2 months and he is not involved in any other case.
6. This Court has considered the rival submissions addressed before this Court.
7. It is basically a matter, where the petitioner, who is a builder/colonizer, had not paid the compounding/development charges and which led to lodging of the instant FIR. It will be debatable as to such like allegations would constitute a criminal offence. In any case, the amount in question stands paid as of now. The petitioner has been behind bars since the last more than 2 months and is having a clean record. In these circumstances, this Court is of the opinion that it is a fit case for grant of regular bail. The instant petition, as such, is allowed 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.

1.5.2023
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(Gurvinder Singh Gill)
Judge

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