

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18374-2023 (O&M)
Date of Decision:- 24.4.2023

Vashist Goyal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Preetinder Singh Ahluwalia, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.
assisted by ASI Ishwar.

FIR NO.	DATE	POLICE STATION	OFFENCES
43	28.11.2022	State Vigilance Bureau, Gurugram, District Gurugram	409, 418, 420, 467, 468/120B IPC and 12, 13(1)(c), 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in respect of the above mentioned FIR.
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, Director, M/s R.R. Foundation Engineering Private Limited filed CWP No. 12629 of 2016 and CWP No. 12653 of 2016 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 dated 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 Mukesh Solanki, HUDA, Gurugram thereafter re-issued allotment letters vide letter No. 739 and No. 740 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. Thereafter, upon re-allotment of the plots, both the writ petitions which were pending in the High Court had been withdrawn, having been rendered infructuous. When copies of the orders passed by Hon'ble High Court was received in the office of the Chief Administrator, HUDA, comments were sought from the office of Administrator, HUDA, Gurugram and then it came to be known that the allotment of SCO Nos. 8, 30 and 13 had been restored by Shri Mukesh Kumar Solanki, Estate Officer by ignoring the rules of allotment and by exercising his position in connivance with the accused including officials of HUDA. Later, when Mukesh Kumar Solanki did not attend office for two days and additional charge of Estate Officer-1, HUDA, Gurugram was handed over to Shri Bharat Bhushan Gogia, Estate Officer-2 vide letter No. 349 dated 30.8.2018 then Shri Bharat Bhushan Gogia, Estate Officer cancelled re-allotment vide letter No. 350 dated 30.8.2018. It is the case of prosecution that Mukesh Kumar Solanki in connivance with Sajjan Singh, the then Section Officer, Shri Subhash Chand, Deputy Superintendent, Shri Sanjay Kumar Clerk/Record Keeper and in connivance with the firm and the GPA holder V.K.Goel had got the

SCOs re-allotted despite dismissal of appeals/revisions and had caused undue loss to government exchequer.

5. Learned counsel for the petitioner submits that the petitioner has merely acted as an Attorney of the allottees of the SCOs in question and cannot be said to be beneficiary in any manner. It has further been submitted that the requisite orders for restoration of allotment of SCOs in question had been passed by the senior officials of HSVP upon examining the factual position and the petitioner cannot be imputed any role in the same.
6. Opposing the petition, the learned State counsel submitted that since the entire process of restoration of allotment was not in accordance with rules and was irregular and the allotment had been restored on account of extraneous consideration of illegal gratification which had passed through the hands of the petitioner, his complicity is clearly evident. The learned State counsel has, however, informed that the petitioner, as on date, has been behind bars since the last about 3½ months. It has also been informed that the petitioner stands involved in one more identical case.
7. This Court has considered rival submissions addressed before this Court.
8. As per the case of prosecution, the petitioner had played a material role in getting the allotment restored by dubious means and had bribed the officials of HSVP. However, this Court cannot lose sight of the fact that the petitioner has been behind bars since the last about 3½ months. Investigation qua the petitioner already stands concluded. Conclusion of trial is likely to consume time inasmuch as 14 prosecution witnesses have been cited and none has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose.

9. 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.

24.4.2023

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Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)
Judge

Yes / No
Yes / No