

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-24588-2023 (O&M)
Reserved on: 12.10.2023
Pronounced on: 19.10.2023

Darshan Singh

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Nirmal Singh Kandhola, 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 and Section 42 of Aadhar Card Act.

1. The petitioner, apprehending arrest in the FIR captioned above, had come up before this Court by filing the present petition under Section 438 CrPC, seeking anticipatory bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The crime relates to a massive scam involving 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. The petitioner claims that he is not named in the FIR captioned above and he is neither a director or employee or agent of any of the companies in question and he has not cheated any investor. Rather, the petitioner is an illiterate person. The petitioner's case is that he only used to transfer money and in fact, he was not the beneficiary.

13. The allegations against the petitioner, as mentioned in paragraph 20 of the reply/affidavit dated 7.7.2023, reads as under:-

“20. That the allegations against the accused are that PACL had purchased land measuring 274 Kanal 17 Marla in the name of accused petitioner Darshan Singh S/o Sucha Singh in village Narudh, District Hoshiarpur. Funds to purchase this land were provided by PACL. Petitioner illegally sold the above land of village Narudh 274 Kanal 17 Marla vide sale deed 202 dated 12.10.2018 to Gurdev Singh son of Nanta Singh resident of Bhoglavate District Ludhiana in connivance with Directors/promoters of PACL Ltd. and its associate companies and despite having knowledge of orders of Hon'ble Supreme Court restricting alienation of properties belonging to PACL Ltd, its associate/ Promoters/Agents/Employees individuals.”

14. The allegations against the petitioner relate back to sale deed which was executed on 12.10.2018 in connivance with Directors/promoters of PACL Ltd. and its associate companies and despite having knowledge of orders of Hon'ble Supreme Court restricting alienation of properties belonging to PACL Ltd, its associate/ Promoters/ Agents/Employees individuals. Thus, the petitioner appears to be a beneficiary.

15 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.

16. 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