

2023:PHHC:079292

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

I) CRM-M-26746-2023 (O&M)

Chiranjeev Sharma ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-26908-2023 (O&M)

Shiva Mehra ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-31.5.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Rathee, Advocate for the petitioner,
in CRM-M-26746-2023.

Mr. S.P. Arora, Advocate and
Mr. Himanshu Arora, Advocate,
for the petitioner in CRM-M-26908-2023.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Inspector Yudhveer Singh.

FIR No.	Dated	Police Station	Section/s
0015	6.4.2023	Anti Corruption Bureau, Gurugram	409, 418, 420, 466, 467, 468, 471, 477-A, 120-B of Indian Penal Code and Sections 7, 7-A, 8, 13(1)(B) read with Section 13(2) of Prevention of Corruption Act, 1988 (as amended in 2018).

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Chiranjeev Sharma and Shiva Mehra seeking grant of regular bail in respect of abovementioned FIR.
2. The allegations, in nutshell, are that as per the policy of Government of Haryana, the sale deeds are to be registered online so that correct value of the property can be assessed and correct Stamp Duty is affixed thereupon. It is alleged that Ravinder Singh, Director M/s Nippon Steering Suspension Pvt. Ltd. was having land measuring 2 bighas 19 biswas and 16 biswas in District Gurugram, which was actually valued at Rs.40,03,39,800/- as the same was “industrial” plot and the proper Stamp Duty required to be affixed upon its sale was Rs.2,80,23,786/-. Said Ravinder Singh sold the said land to Harish Kumar, Director M/s Janghu Real Estate Pvt. Ltd., but in the sale deed the sale consideration was shown as Rs.8 crores and upon which Stamp Duty of Rs.56 lakhs only was paid by showing the land to be falling in the category of “agricultural land”. It is alleged that the aforesaid Ravinder Singh, Harish Kumar and Darpan Singh Kamboj (Tehsildar) in connivance with each other and with some others had thus caused a loss by way of evasion of Stamp Duty to the tune of Rs.2,27,93,092/-. It is further the case of prosecution that in the instant case permission to register the sale deed “Manually” was granted on 07.01.2022 by the Office of Deputy Commissioner, Gurugram and that the accused gave effect to their designs by forging the record on NDC Portal of DULB, Haryana (Department of Urban Local Bodies, Haryana) by showing said land to be in the category of “mixed use” and consequently the status of NDC was shown as approved.

3. Learned counsel for the petitioner(s) have submitted that the petitioners are nowhere named in the FIR and have falsely been implicated in the present case solely on the basis of disclosure statement made by co-accused, the admissibility and veracity of which would be debatable. It has further been submitted that the petitioners are private individuals and have no role whatsoever in issuance of No Due Certificate (NDC) or in changing the status of the category of the land in question. Learned counsel for the petitioners submit that since identically situated co-accused namely Pankaj has been granted regular bail by this Court vide order dated 18.5.2023 passed in CRM-M-24458-2023, the petitioners also deserve the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that since the petitioners have specifically been named by co-accused, their complicity is clearly evident. The learned State counsel submits that there is evidence to show that the seller Ravinder in order to get the category of the land changed from 'industrial' to 'mixed use' contacted Chiranjiv, who represented that he knew someone, who could get the same done i.e. Pankaj and that Chiranjiv contacted Pankaj and who said that one Shiva Mehra could help in getting the work done and said Shiva Mehra thereafter contacted Vikas, Draftsman, who ultimately got the categorization of the land in question changed from 'industrial' to 'mixed use' through some officials of the Municipal Corporation. The learned State counsel has submitted that there is evidence to show that Chiranjiv had paid an amount of Rs.1 lakh to Shiva Mehra and that Pankaj also paid an amount of Rs.7 lakhs to Shiva Mehra and that it was in lieu of said Rs.8 lakhs, Shiva Mehra got the work done through Vikas,

Draftsman and some other officials. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last more than 1½ months and that they are not involved in any other case.

5. This Court has considered the rival submissions addressed before this Court.
6. It is not disputed that the petitioners are not working in the office of Municipal Corporation and are private individuals stated to be working as Agents. Apparently, it is through petitioner - Chiranjeev that the amount has been passed on co-accused Pankaj and thereafter to petitioner - Shiva Mehra and further on to others. Identically situated co-accused namely Pankaj has already been granted regular bail by this Court vide order dated 18.5.2023 passed in CRM-M-24458-2023.
7. Having regard to the aforesaid facts and circumstances of the case and the role attributed to the petitioners and also the fact that they have been behind bars since the last more than 1½ months, further detention of the petitioners will not serve any useful purpose as the conclusion of trial will take some time. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A copy of this order be placed on the file of connected case.

31.5.2023

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No