

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

CRM-M-31635-2023 (O&M)
Date of Decision:-14.7.2023

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. Sharad Aggarwal, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
42	28.11.2022	State Vigilance Bureau, Gurugram	420, 467, 468, 471, 120-B of Indian Penal Code and Sections 7(c), 7-A, 8, 13(1)(a) and 13(1)(b) read with Section 13(2) of Prevention of Corruption Act, 1988

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeking grant of regular bail in respect of the abovementioned FIR.
2. The allegations, in nutshell, are that one Veena Malik had submitted an application to Administrator HUDA on 26.3.1992 for allotment of land measuring one acre on lease for 99 years for the purpose of setting up of a school by the name ‘New Spring Dale Public School’. Somehow, instead of allotting one acre of land, the Estate Officer, HUDA, Gurugram issued letter

for allotment of 1.5 acres of land. Though on 8.2.1994, Smt. Veena Malik deposited 25% of the allotment money i.e. Rs. 52,785/- but did not deposit the balance amount and on account of which the Estate Officer, HUDA withdrew the allotment vide letter dated 8.9.2003, addressed to the Principal, New Spring Dale Public School. An appeal was presented on 21.2.2004 to Administrator, HUDA on behalf of the Secretary, New Spring Dale Education Society, Panchkula for review of the letter of withdrawal but the same was dismissed on 4.5.2004. Sanjay Dalal, who had been representing himself to be a member of the School-Society filed a revision petition before the Financial Commissioner and Secretary to Govt. of Haryana, Town and Country Planning, Chandigarh which was dismissed in default vide order dated 8.8.2007. Thereafter, said Sanjay Dalal filed a revision petition to the Financial Commissioner and Secretary to Govt. of Haryana, Town and Country Planning, Chandigarh on the basis of forged documents which was dismissed on 19.12.2008. Thereafter, Seema Goel filed a writ petition in this Court representing herself to be a member of the said School-Society on the basis of forged documents. This Court vide order dated 13.2.2012 directed the parties to appear before the Financial Commissioner on 16.4.2012 and the Financial Commissioner was directed to take a decision expeditiously. The Additional Chief Secretary to Govt. of Haryana, Town and Country Planning, Urban Estate vide its order dated 4.8.2015 directed the Estate Officer, HUDA to issue allotment letter in respect of land measuring one acre. Subsequently, the accused got a legal notice dated 12.7.2016 served through Vineet Sehgal, Advocate seeking possession of originally allotted land measuring 1.5 acres, which was rejected by the Principal Secretary to Govt. of Haryana, Town and Country Planning vide order dated 16.5.2018. However, the Chief

Administrator, HUDA vide its order dated 14.5.2019 accepted the request of Seema Goel and directed the Administrator, HUDA to offer possession of a newly carved out plot measuring 1.5 acres. It is further alleged that when the Administrator, HUDA ordered his subordinates to put up the original file, the notings were prepared by Balraj, Accountant, Jagmohan Gupta, Accounts Officer, Mukesh Solanki, the then Estate Officer-II, HUDA, Gurugram and it was intimated that letter of allotment in respect of 1.5 acres of land had been issued on 18.7.2019 but possession of the same had not been handed over. The Chief Administrator, HUDA directed that the possession of land in question be handed over within seven days.

3. The prosecution asserts that during the course of investigation, it had surfaced that order dated 14.5.2019 passed by the Chief Administrator, HUDA was in respect of a different site allotted to the Society in the year 1994 and that the circle rate of the site in dispute, as in the year 2019-2020, was Rs. 28,000/- per square yard, which was much more than the price at which the plot had been originally allotted in the year 1994. An inquiry was conducted against the then Chief Administrator D. Suresh, HUDA, Estate Officer-II Mukesh Solanki, Balraj, the then Accountant and Jagmohan Gupta, the then Accounts Officer. Sanjay Dalal is alleged to have forged the signatures of the members of the school-society and on the basis of said forgery had represented himself to be Secretary of the school-society. Veena Malik furnished affidavit that Sanjay Dalal, Vasisth Kumar Goel and Seema Goel had never been appointed as members of the school-society and that their signatures on the appointment and resignation letters are forged. The case was initially registered against Sanjay Dalal, Vasisth Kumar Goel (petitioner), Seema Goel and Amit Kumar. The petitioner was arrested on 3.12.2022 in connection with another FIR i.e.

FIR No.43 dated 28.11.2022, registered at Police Station State Vigilance Bureau, Gurugram, District Gurugram, under Sections 409, 418, 420, 467, 468/120-B of Indian Penal Code and Sections 12, 13(1)(c), 13(1)(d) read with Section 13(2) of Prevention of Corruption Act and it is alleged that during the course of interrogation in the respect of the aforesaid FIR i.e. FIR No.43 dated 28.11.2022 the petitioner had disclosed that he had paid an amount of Rs. 25 lacs to Pankush Suneja, who further passed on the same to D. Suresh, the then Chief Administrator, HUDA for allotment of land to New Spring Dale Public School and consequently offences under Prevention of Corruption Act was also added. The petitioner Vashisht Kumar Goel was arrested on 28.4.2023 in the present case i.e. in FIR No.42 dated 28.11.2022.

4. It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present and that there is no convincing evidence to substantiate the allegations against the petitioner. It has further been submitted that the petitioner, in any case, has been behind bars since the last about 3 months and that since investigation stands concluded and challan has been presented, his further detention will not serve any useful purpose.
5. On the other hand, learned State counsel, while opposing the petition, has submitted that the petitioner was instrumental in the commission of fraud and had played a pivotal role in the entire scam and since he happens to be involved in another identical scam, he does not deserve to be released on bail. Learned State counsel has, however, not disputed the fact that the petitioner has been behind bars since the last about 3 months and that challan already stands presented.
6. This Court has considered the rival submissions addressed before this Court.

7. Although there are specific and categoric allegations levelled against the petitioner but the present case is mainly based on documentary evidence and which has already been collected by the police during the course of investigation, which already stands concluded. The challan has already been presented against the petitioner. The petitioner has been behind bars since the last about 3 months. Conclusion of trial is likely to consume time as a large number of PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose.
8. 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.

14.7.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No