

2023:PHHC:042533

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

CRM-M-36587-2022 (O&M)
Date of Decision:-22.3.2023

Manjeet Singh Sethi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Rai, Senior Advocate with
Mr. A.P.S. Tung, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.
assisted by DSP Inderpal Singh.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.9 dated 28.7.2022 under Sections 7, 7-A, 8, 12, 13(2) of the Prevention of Corruption Act, 1988 and Sections 409, 420, 467, 468, 471/120-B IPC [Sections 65, 66, 66(C), 66(D) of the Information Technology Act added later on] at Police Station, Economic Offences Wing, Punjab Vigilance Bureau, Ludhiana, District Ludhiana.
2. Initially another FIR i.e. FIR No. 8 dated 14.7.2022 under Sections 7, 7-A of the Prevention of Corruption Act, 1988 and Section 120-B IPC, Police Station Vigilance Bureau, Economic Offence Wing, Ludhiana had been

lodged against Harmeet Singh, Junior Assistant, Parveen Kumar, Sale Clerk and Kuljit Kaur Executive Officer, Ludhiana Improvement Trust pursuant to Harmeet Singh having been caught red-handed while accepting bribe when a trap was laid to catch him red-handed. Since the bribe amount was alleged to be shared by Harmeet Singh, Parveen Kumar and Kuljit Kaur, Executive Officer, all three of them were arrested.

3. It is the case of prosecution that during the course of interrogation of Kuljit Kaur, Executive Officer in the aforesaid FIR No. 8 dated 14.7.2022, Police Station Vigilance Bureau, Economic Offence Wing, Ludhiana, she disclosed that she as well as other officials of Ludhiana Improvement Trust had committed various embezzlements, manipulations, fraud etc. after taking bribe from individuals and several instances were disclosed and it was on account of such disclosures that the present FIR i.e. FIR No. 9 dated 28.7.2022, Police Station Economic Offences Wing, Punjab Vigilance Bureau, Ludhiana came to be registered. One of the instance was with regard to allotment of plots to petitioner Manjeet Singh Sethi after accepting bribe. It is the case of prosecution that Plot No. 9-B, Shaheed Bhagat Singh Nagar measuring 300 square yards under LDP Scheme (Locally Displaced Person) was allotted to Manjeet Singh Sethi in violation of rules and that another plot i.e. Plot No. 38-B, which was situated at the back of plot No. 9-B was also allotted to him subsequently. It is also alleged that land measuring about 150 square yards lying adjacent to Plot No. 9-B was also added to plot No. 9-B.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and as a matter of fact Plot No. 9-B had not initially been allotted to him but had been allotted to one Nirmala

Devi under LDP Scheme pursuant to long drawn litigation spanning over a decade and who thereafter entered into an agreement with the petitioner for transfer of said plot to the petitioner and that as such, it cannot be said that the petitioner had played any fraud for the purpose of allotment of said plot no. 9-B.

5. The learned counsel has further submitted that the second plot i.e. Plot No. 38-B, adjoining plot No. 9-B on the backside had been purchased by petitioner in an open auction wherein there were four bidders and the petitioner, being the highest bidder, was allotted the said plot at a price much higher than the reserve price. The learned counsel has submitted that since the petitioner has joined investigation and has cooperated with the same, his custodial interrogation is not warranted.
6. Opposing the petition, the learned State counsel has submitted that apparently it is a case where the petitioner with the prior understanding with Smt. Nirmala Devi had got the plot allotted to Nirmala Devi under quota meant for LDP (Locally Displaced Person) and had purchased the same the moment the plot was allotted to Nirmala Devi. It has further been submitted that even the other plot i.e. Plot No. 38-B purchased in auction had been purchased in connivance with the officials of the Ludhiana Improvement Trust.
7. This Court has considered rival submissions addressed before this Court.
8. The two set of allegations against the petitioner pertain to two different plots i.e. Plot No. 9-B and Plot No. 38-B. As far as Plot No. 9-B is concerned, it is an admitted fact that land measuring 545 square yards owned by Nirmala Devi situated in Village Haibowal Khurd, Ludhiana had been acquired by

Ludhiana Improvement Trust in the year 1976 for development of 256 acre Maharishi Balmik Nagar Scheme. Though, Nirmala Devi was entitled to an allotment of an alternate plot under LDP Scheme but she did not apply for the same on proper format and did not submit the requisite affidavit. However, after about 36 years of acquisition, she filed CWP No. 22695 of 2012 before the Hon'ble High Court seeking allotment of a plot which was disposed of with a direction to the Chairman, Ludhiana Improvement Trust to consider the representation made by said Nirmala Devi. However, the Ludhiana Improvement Trust declined the representation moved by Nirmala Devi vide order dated 11.10.2013. Nirmala Devi preferred an appeal before the Additional Chief Secretary, Local Bodies Department, which was disposed of with a direction that the case of Nirmala Devi be considered afresh in accordance with rules vide order dated 27.10.2016. Thereafter, an order was passed by the Chairman, Ludhiana Improvement Trust holding that Nirmala Devi was entitled to allotment of a plot measuring 500 square yards. Since, no plot was allotted thereafter, the aforesaid Nirmala Devi was constrained to file another writ petition i.e. CWP No. 4117 of 2020 in this Court, which was again disposed of with a direction to the Ludhiana Improvement Trust to decide the legal notice which had already been served by Nirmala Devi. Though, a plot was allotted to the petitioner but she was asked to pay double the current reserve price and consequently, Nirmala Devi again protested and submitted the legal notice and the matter was considered upto the level of Minister of Local Government and the representation made by Nirmala Devi was accepted and fresh allotment was made on 23.7.2021 and a sale agreement was executed between Nirmala Devi and Ludhiana Improvement Trust on 9.8.2021. However, the said Nirmala Devi, thereafter,

entered into an agreement with the petitioner for transfer of the said plot to the petitioner and Nirmala Devi requested the Ludhiana Improvement Trust to handover possession of the plot to the petitioner and accordingly, a sale deed was executed by Ludhiana Improvement Trust in favour of the petitioner.

9. The aforesaid facts would indicate that Nirmala Devi had a long drawn battle with the Ludhiana Improvement Trust for allotment of a plot. There is nothing on record to suggest that during this entire decade of litigation and representations, the petitioner had any role to play. It was pursuant to orders passed by Hon'ble Court on two different occasions in two different Writs and later pursuant to order passed by the Minister concerned that the plot came to be allotted to Nirmala Devi under LDP Scheme, which was later sold off by her to the petitioner. The aforesaid sequence of facts does not smack of any fraud or deceit.
10. As far as allotment of a Plot No. 38-B in favour of the petitioner is concerned, the said plot had been purchased by the petitioner in an open auction wherein there were four bidders and the petitioner being the highest bidder allotted the same. Upon a query made by this Court to the State counsel as to whether the price at which the plot No. 38-B was purchased in auction by the petitioner was more or less the current market price, the learned State counsel, upon instructions from DSP Inderpal Singh, informed that the same was marginally less than the current market price. Under these circumstances, purchase of plot No. 38-B in open auction by the petitioner cannot be termed as a fraudulent transaction.

11. The petitioner pursuant to interim directions issued by this Court has already joined investigation.
12. Having regard to the above mentioned facts and circumstances of the case and the fact that the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition is accepted and the interim directions issued by this Court vide order dated 1.9.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
13. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

22.3.2023

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No