

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44691-2022 (O&M)
Date of Decision:- 31.1.2023

Dinesh Bassi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Abhinav Sood and Mr. Vardaan Malhotra, Advocates
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 9 dated 6.7.2022 under Sections 409, 201/120-B IPC and Section 13(2) of the Prevention of Corruption Act, 1988 (Section 420 IPC and Section 7(a) of the Prevention of Corruption Act, 1988 added later on) at Police Station Vigilance Bureau, District Amritsar.
2. The facts, in nutshell, are that a letter sent by Law Officer, Amritsar Improvement Trust accompanied by a D.O. letter dated 6.7.2022 of Deputy Commissioner, Amritsar was sent to the Senior Superintendent of Police, Vigilance Bureau, Amritsar for registration of FIR against the petitioner and other employees of the Improvement Trust on the allegation that several infirmities/irregularities had been committed in the matter of allotment of Plot No. 204-D, Ranjit Avenue, D-Block, Amritsar and also for the purpose of empanelment of Contractor and in respect of allotment of a milk booth. The petitioner was arrested on the same very day i.e. on 6.7.2022. The

matter was investigated by the Deputy Superintendent of Police, Vigilance Bureau, Unit Amritsar, during the course of which record of Amritsar Improvement Trust was scrutinized and it had surfaced that the petitioner, being Chairman of the Amritsar Improvement Trust, had misused his official authority and a plot No. 204-D, measuring 200 square yards situated in a posh area of Ranjit Avenue, D-Block in Amritsar had been sold in favour of Surjit Kaur through Attorney Vikas Khanna, a close friend of the petitioner vide sale deed dated 17.6.2021 @ Rs. 1410/- per square yards i.e. for a total sum of Rs.3,53,512/- which was much below the collector rate of Rs.17,800/- per square yards i.e. for a total of Rs.35,60,000/- and infact far far lower than the market value, which was approximately Rs.70,000/- per square yards, which would mean that the plot was actually worth about Rs.1.40 crores.

3. It is further the case of prosecution that during the course of investigation statement of Kulwant Rai, husband of Surjit Kaur was recorded who stated that Plot No. 204-D was originally allotted to Sohan Singh father of Surjit Kaur in Army Personnel quota in the year 1988 but on account of certain clerical mistakes made in the record of the Amritsar Improvement Trust, the plot was allotted in the name of someone else. Kulwant Rai further stated that later in the year 2020, co-accused Vikas Khanna and Raghav Sharma approached them and offered to pay an amount of Rs. 8 lacs to Surjit Kaur in lieu of the said plot and they gave the said amount to his wife and got the sale deed executed from the Amritsar Improvement Trust in the name of his wife Surjit Kaur through Attorney but the documents/possession of the said plot was never handed over to them.

4. It is further the case of prosecution that co-accused Vikas Khanna was also allotted milk booth in the category of unemployed person and his firm i.e. Punjab Builders was also empanelled as a Contractor. It was further found out that several firms of near and dear ones of the petitioner have been registered and empanelled for executing works and had been successful in tenders/contracts. It is, thus, alleged that the petitioner in connivance with others had extended undue favours to his favorites and had embezzled huge amount and caused loss to the Amritsar Improvement Trust.
5. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and there is no evidence worth credence to establish the allegations, as are being levelled by the prosecution. The learned counsel has submitted that the petitioner has been behind bars since the last about 7 months and otherwise enjoys a clean record.
6. Opposing the petition, the learned State counsel has submitted that the petitioner is specifically named in the FIR and upon scrutinizing the record of Amritsar Improvement Trust, sufficient evidence has been collected to establish the complicity of the petitioner in causing huge loss to the Amritsar Improvement Trust. It has been submitted that Plot No. 204-D, Ranjit Avenue, D-Block, Amritsar had been sold by the Amritsar Improvement Trust for peanuts and the same had been sold off pursuant to a conscious decision having been taken by the petitioner, who was the Chairman of the said Trust. The learned State counsel has further submitted that several other irregularities had surfaced in the matter of allotment of properties and contracts which clearly establish the allegations against the petitioner. It has also been submitted that since the investigation is still going on, as has been

specifically stated in the report under Section 173 Cr.P.C. and that the evidence so collected shall be placed before the trial Court by way of filing supplementary report, the release of the petitioner on bail at this stage is likely to hamper investigation. The learned State counsel has, however, not disputed the fact that the petitioner has been behind bars since the last about 7 months and that he otherwise is not involved in any other case.

7. This Court has considered the rival submissions.
8. It is correct that serious allegations of embezzlement of huge amount have been levelled against the petitioner who had extended undue favours while misusing his position. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of 7 months and challan already stands presented. The contention of learned State counsel that the matter is still under investigation, which would require the petitioner to be further detained cannot be accepted as nothing has been shown to this Court that any permission has been obtained by the prosecution so as to further investigate the matter. The trial has not even commenced till date. In these circumstances, further detention of the petitioner, who otherwise has a clean record, 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.

31.1.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No