

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53016-2022
Reserved on:02.08.2023
Decided on: 19.10.2023

Gaganpreet Singh ...Petitioner

Versus

State of Punjab and another ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gautam Datta, Advocate for the petitioner.

Mr.Aman Pal, Addl.A.G., Punjab.

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

1. The petitioner apprehending arrest in the FIR captioned above, had come up before this Court under Section 438 CrPC seeking regular bail, which bears the date of filing as 15.11.2022.
2. Vide order dated 13.04.2023, this Court had directed the petitioner to join investigation and to declare his assets. On 20.04.2023, counsel for the petitioner submits that they had complied with the previous order and vide order dated 18.05.2023, this Court had granted interim bail to the petitioner, which is continuing till date.
3. The crime relates to a massive scam involving the general public's thousands of crores of rupees by two companies, i.e., PACL and PFG Limited. The *modus operandi* of some of the people controlling the PACL and PFG Limited was to persuade innocent investors to invest in the company's plots and lands with an assurance that their money would be doubled quickly. The companies used 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 sister concerns and routing money by laundering. The primary allegations are that some Directors, some employees, some agents and some brokers of PACL, and some other persons, in connivance with a large number of Revenue officials, including the petitioner, who was well aware of the fact

that the properties of the PACL were being disposed of at lower circle rates fixed by corrupt Revenue officials, which fact of undervaluation was well within the knowledge of senior Government officers at the highest level.

4. When this Ponzi fraud came to the people's glare, 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 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, an inquiry was also initiated by the Enforcement Directorate as well as SEBI, and after that, the Punjab Police. As per the reply/affidavit dated 3.3.2021, people were filing complaints, and based on one such complaint by one Pradeep Kumar, the FIR captioned above was registered by Punjab Police. The CBI had taken possession of around twenty-nine thousand sale deeds pertaining to this company and the CBI also communicated about the crime to the Government of Punjab vide memo. No.24/55/15-S.T.1/9089-08, Chandigarh dated 30.06.2015. They were directed to convey to all the revenue officials that the company's properties shall only be sold with the prior permission of the concerned Deputy Commissioner.

5. 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.

6. As per the prosecution, the accused have been highly influential and rich people and used 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.

7. 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.

8. As per para 20 and 21 of the reply dated 07.07.2023 filed by the State, the allegations against the petitioner are as follows: -

20. That the allegations against the accused are that PACL purchased land at Village Chachroli in the name of Narinder Singh father of accused petitioner Gaganpreet Singh. Narinder Singh died in the year of 2016 and after the death of Narinder Singh land was inherited to Gaganpreet Singh and Accused petitioner Gaganpreet Singh sold above land vide sale deed no. 1897 dated 15.9.2020 for the consideration of Rs. 21,70,000 in connivance with Gurpreet Singh Bhangoo, nephew of Nirmal Singh Bhangoo, Director PGF Ltd. despite having knowledge of orders of Hon'ble Supreme Court restricting alienation of properties belonging to PACL Ltd, its associate/ group companies/Directors/Promoters/Agents/Employees and other concerned individuals.

21. That the present new SIT of Vigilance Bureau Punjab is still investigating the present FIR as the record of the same was received on 06.06.2023 and the record pertaining to the said FIR is voluminous, complex and of highly technical nature and the present SIT is minutely examining the role of each and every accused in this case and the evidence against the accused. Till date 7 police reports have been submitted in the competent court against various accused. ”

9. A perusal of the para 20 reveals that after inheritance of land from father of the accused-petitioner, the petitioner sold the land on 15.09.2020 in connivance with one Gurpreet Singh Bhangoo, Director PGF Ltd.

10. Counsel for the State opposes the petition by submitting that petitioner was aware of the directions issued by Hon'ble the Supreme Court that the land cannot be sold.

11. Since the petitioner himself did not purchase the land in question but it was purchased by his father-Narinder Singh as such by the stretch of imagination, the petitioner cannot be held liable for the criminal intent of his father regarding sale of land after inheritance, it would not be appropriate to discontinue the interim. Thus, the case of the petitioner is altogether different from other accused and is on its own facts. The petition is allowed, and interim order dated 18.05.2023, is made absolute. Pending applications if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.10.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.