

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 13409 of 2024
Reserved on: 04.04.2024
Pronounced on: 24.04.2024

Devender ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
15	06.04.2023	Anti Corruption Bureau, District Gurugram	409, 418, 420, 466, 467, 468, 471, 477-A, 120-B IPC and 7, 7-A, 8, 13(1) (B) r/w 13(2) of PC Act, 1988

1. The petitioner, incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC.

2. Vide order dated 22.03.2024, this Court had granted interim bail to the petitioner subject to compliance of certain conditions.

3. Facts of the case are being taken from reply dated 03.04.2024 filed by concerned DySP which reads as follows:-

"2. That, a regular Vigilance Inquiry No, 7 dated 01.09.2022 Gurugram, ACB Gurugram range, Gurugram, was registered after getting approval from State Government vide 62/43/2022-4 VIG(II) dated 25.08.2022 as mandated under section 17A of Prevention of Corruption Act 1988.

3. That based upon findings of the inquiry an FIR No. 15 dated 06.04.2023 under section 409,418, 420,466,467, 468, 471, 477A, 120B, IPC and 7,7A,8, 13(1)(b) read with 13(2) PS ACB GGM was registered against

- (i). *Sh. Harish Kumar son of Bhagwan Singh R/o Village Daultabad Gurugram, Director M/s Janghu Real Estate Pvt. Ltd. VPO Daultabad, Gurugram Haryana.*
- (ii). *Sh. Darpan Kamboj, the then Tehsildar, Gurugram.*
- (iii). *Sh. Dinesh Kumar the then ZTO (Hqs) M.C. Gurugram.*
- (iv). *Sh. Ravinder Singh son of Ujagar Singh R/o Delhi Director M/s Nippon Steering and suspension Pvt. Ltd.*
- (v). *M/s Nippon Steering and suspension Pvt. Ltd.*
- (vi). *M/s Janghu Real Estate Pvt. Ltd.*
- (vii). *The then Joint Commissioner.*
- (viii). *Other unknown officials.*

4. *That, during the enquiry it was found that as per the rules and regulations of the revenue department the different stamp duty has been prescribed for registration of sale deeds for industrial, commercial and residential plots. As per the new policy of the State Government, sale deeds are being registered online so that the correct prices of the property and stamp duty thereon can be assessed. Ravinder Singh, Director, M / s Nippon Steering & Suspension Pvt. Ltd was having industrial land measuring 2 Bigha 19 Biswa 16 Biswansi in Rajendra Park, Gurugram having property ID number 106C100U52 with Municipal Corporation, Gurugram and as per the Collector rate, its price was Rs.40,03,39,800/- under the industrial plot category and the stamp duty was Rs.2,80,23,786/-. Said Ravinder Singh, Director, M/s Nippon Steering & Suspension Pvt. Ltd sold the said land measuring 2 Bigha 19 Biswa 16 Biswansi to Harish Kumar, Director M/s Janghu Real Estate Private Ltd, Gurugram vide registered sale deed no. 9235 dated 07.01.2022 for sale consideration of Rs. 8 crores and paid stamp duty of Rs. 56 lacs showing the land under category of agricultural land. As per revenue record, said land was shown Gair Mumkin. In this way. Ravinder Singh vendor, Harish Kumar vendor and Darpan Singh Kamboj, Tehsildar in criminal conspiracy with each other has caused a loss of stamp duty of Rs. 2,24,23,786/- to the State.*

5. *That it is further came into the investigation that permission to register the sale deed manually was granted vide letter 02.08.2027 the data of property ID and shown the land in question dated 07.01.2022 from the office of Deputy Commissioner, Gurugram instead of registering the sale deed online on medical ground. Accused in conspiracy with the officers/officials of Municipal Corporation, Gurugram forged under*

the category " mixed use" and its status was shown as "approved" and thereafter plots were carved out in the said land, causing loss of huge revenue to the State.

6. *That it had come into the investigation that co-accused Darpan Kamboj was posted as Tehsildar, Gurugram. Harish Kumar, Director of M/s Janghu Real Estate Pvt. Ltd along with petitioner Davender purchased the land measuring 2 Bigha 19 Biswa 16 Biswansi from Ravinder Singh, Director, M/s Nippon Steering & Suspension Pvt. Ltd for a sale consideration of Rs. 8 crores and paid stamp duty of Rs. 56 lacs showing the land under category of agricultural land". As per Collector rates, price of the land in question was Rs. 40,03,39,800/- and category of land was "industrial". Therefore, stamp duty of Rs. 2,80,23,786/- was required to be paid on the sale deed whereas petitioner in criminal conspiracy with co-accused Harish Kumar shown the land under "agricultural" category and registered the sale deed accepting the stamp duty of Rs. 56 lacs instead of Rs.2,80,23,786/-, thereby caused a loss of stamp duty of Rs. 2,27,93,092/- to the State. It further came into investigation that co accused Darpan Kamboj accepted an illegal gratification of Rs. 41 lacs from co-accused Harish Kumar in conspiracy with petitioner Davender to register the sale deed under category of agricultural land" instead of under category of " industrial land". It is further came into the investigation that co-accused Chiranjiv Sharma has acted as a mediator/ agent in the transaction and his cell phone has been taken into possession by the investigation agency. It is further came into the investigation that after getting the sale deed registered in respect of the said land, it was again sold on 19.01.2022 vide five different sale deeds and in the said sale deeds, land has been shown under the "residential" category. The status of the land in question had already been forged on the portal of Municipal Corporation, Gurugram as "approved" and 'No Objection Certificate' was not required for residential land. Therefore, taking the benefit of these facts, an unauthorised colony was carved out for residential purpose. The officers/officials of the Tehsildar office, Gurugram who registered the sale deed under the category of agricultural land, officers/officials of Municipal Corporation, Gurugram who changed the property ID and status of the land in question in their record and agents working in the office of Tehsildar, Gurugram and in the office of Municipal Corporation, Gurugram are allegedly involved in the scam with the private person including petitioner."*

4. Counsel for the petitioner seeks bail on the ground of pre-trial custody of around 02 months.

5. Counsel for the petitioner argued that Harish Kumar, Director M/s Janghu Real Estate Pvt. Ltd. purchased land measuring 2 Bigha 19 Biswa 16 Biswani from Ravinder Singh for sale consideration of Rs.8 crores and stamp duty of Rs.56 lacs showing land under category of agricultural land, whereas as per Collector rate, price of land was Rs.40,03,39,800/- making stamp duty to be furnished of Rs.2,80,23,786/- and sale deed executed by Darpan Kamboj, Tehsildar, Gurugram causing loss of stamp duty of Rs.2,24,93,092/- to the State.
6. On this, State counsel argued that the petitioner has 22% share in the said land and referred to paras no.3 (ii) to (vi) of the reply which proves his involvement.
7. Counsel for the petitioner further argued that petitioner was working as private agent and did not bribe any official as no record of same has been brought on record. The transaction made by co-accused is of properties unrelated to the petitioner, no proof of his share is available on record and he has been inculpated due to proximity to co-accused Harish who is purchaser of the said land. No monetary trail is provided against the petitioner. Counsel for the petitioner argued that there is no record of association with co-accused and in specific to those who are government officials. The alleged property share is only shown without any proof of ownership and via disclosure statements and there is no document on record to prove the same. Counsel for the petitioner seeks parity with other co-accused who have already been granted regular bail.
8. An analysis of these arguments would lead to the outcome that given the nature of allegations, quality of evidence collected so far coupled with the pre-trial custody of around 02 months, further custody is not justifiable.
9. Given above, the petition is allowed and interim order dated 22.03.2024 is made absolute. All pending applications, if any also stands disposed.

(ANOOP CHITKARA)
JUDGE

24.04.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.