

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26489-2024
Reserved on: 08.08.2024
Pronounced on: 30.08.2024

Parminder Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. H.S. Oberoi, Advocate and
Ms. Rubina Virmani, Advocate
for the petitioner.

Mr. Anurag Chopra, Addl. A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
4	08.03.2024	Vigilance Bureau, Flying Squad-1, Punjab at Mohali	13(1) (a) r/w 13(2) of PC (Amendment) Act, 2018 and 409, 420, 465, 467, 468, 471, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 19 of the bail petition, the accused declares that she has no criminal antecedents.
3. Facts of the case are being extracted from short reply dated 10.07.2024 filed by concerned DySP which reads as follows:-

“3. That the matter relates with allotment of high value industrial plots of PSIEC (Punjab Small Industry & Export Corporation) on lower rates than the actual market value (prevailing fixed rates for the given time) by officials/employees of PSIEC in connivance with the property dealers, in a wrongful manner for illegal gratification, in the name of their relatives/friends/acquaintances on fictitious addresses by way of failing the persons having requisite knowledge and eligible for allotment of said plots, in interview and delaying possession of allotted plots for years to come on the pretext of various impediments in delivering vacant possession such as overhanging

electrical wires, un-removed left over construction material and thereafter allotting the said plots to new persons on old rates by way of changing the date of allotment of said plots based on ante-dated partnership deed executed between the old fictitious allottees and the new comers for the determined share amongst them and thereafter transferring the 100% ownership in the name of such new shareholders in the partnership deed and in this manner causing wrongful financial loss to the tune of crores of rupees to the State Exchequer.

4. That during the course of vigilance enquiry No. 3 that was initiated on 04.04.2018, it was found that co-accused Surinder Pal Singh, the then Chief General Manager (Estate), PSIEC by misusing his official position based on his noting has got issued guidelines on 30.07.2003 from Arun Goyal, the then Managing Director PSIEC for permitting change of plot allotment date of plots wherein the possession has not been delivered for want of basic facilities. The said guidelines were got passed from board of directors on 08.02.2005. However, neither such guidelines were got notified from State Government nor any circular was issued to that effect. Based on said unapproved guidelines hundreds of plots were issued with change of allotment date, for illegal gratification/unjust gain. In the said manner, the period elapsed between the initial date of allotment and the subsequently changed date of allotment was treated as zero period for waiving off the applicable penal interest on the allottees. Similarly, plots were allotted on the rates as applicable at the time of initial allotment and not the revised rates applicable at the time of changed date of plot allotment. Thus, huge financial loss was caused to the State Exchequer, in the above said manner.

5. That furthermore, during inquiry co-accused Jaswinder Singh Randhawa, the then General Manager (Personnel), PSIEC was found to have got made fake allotment of plots in the name of his relatives/friends/acquaintances namely wife Gurpreet Kaur (wife), Binay Partap Singh (cousin), present petitioner Parminder Kaur (wife of his personal acquaintance Shamsher Singh), Kewal Singh, Sukhraj Singh Damanpreet Singh son of Avtar Singh, Sukhpal Singh Sandhu, Ramanpreet Singh, Jasmeet Singh, Gurmail Singh and his daughter Gagandeep Kaur and other unknown persons. Similarly, the co-accused Surinder Pal Singh, the then Chief General Manager (Estate), PSIEC who was responsible for interviewing the potential allottees for industrial plots of PSIEC, in connivance with other co-accused persons misused his official position for change of allotment and possession of industrial plots of PSIEC and helped co-accused Jaswinder Singh Randhawa in allotment of said industrial plots. Furthermore, the co-accused Savtej Singh, SDE, PSIEC to have got allotted industrial plot of PSIEC by preparing forged documents of his relative Gurtej Singh and getting transferred the requisite amount in the account of PSIEC from the bank account of his son Manroop Singh and Amandeep Singh. Besides, the other officials of PSIEC namely Amarjit Singh Kahlon (Estate Officer), Vijay Gupta (Sr. Assistant),

Darshan Garg (Consultant) acting in connivance with above named co-accused persons in fake allotment of aforesaid industrial plots of PSIEC and misplacing the files of some plots from the office of PSIEC, misused their official position in connivance with private persons, waving penal interest and extension fee in violation of applicable rules to the tune of Rs. 8,72,71,669/- and thereafter, having sold the said plots on market rates through private property dealers and in this manner having caused huge financial loss to the tune of crores of rupees to the State Exchequer.

6. That consequently, the case/FIR No. 04 dated 08.03.2024 under Section 13 (1) (A), 13 (2) of Prevention of Corruption Act, 1988 (as amended in 2018) was registered at Police Station Vigilance Bureau, Flying Squad-1, Punjab, SAS Nagar against above said accused persons Surinder Pal Singh, Jaswinder Singh Randhawa, Amarjit Singh Kahlon, Vijay Gupta, Darshan Garg, Avtar Singh, present petitioner Parminder Kaur and other co-accused persons based on aforesaid vigilance enquiry No. 3 dated 04.04.2018.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. Although perusal of the petition reveals unnecessary allegations against the government but there is no corroborative evidence to support such allegations especially as mentioned in the synopsis, as such this Court is not even advertent to the same and would be responding only to the legal arguments made by counsel for the petitioner which are very few.

6. Counsel for the petitioner submits that the allegations against the petitioner are specific to illegal allotment of plot no.C-210 measuring 3500 square yards which was initially allotted to M/s Crossworth Partnership firm. The allotment was signed by two partners of the firm namely Sukhpal Singh Sandhu and Parminder Kaur. Petitioner along with other members had participated in the draw of lot on 15.11.2011 and the plot was allotted to them. Subsequently, he had made initial payment of 10% and the remaining amount had to be deposited at appropriate stages. He further submits that the petitioner as well as other members of M/s Crossworth Partnership firm waited for two years but subsequently other partners lost interest in the allotment for the reason that people whose property was acquired were opposing such acquisition. Counsel for the petitioner further submits that none of her relative is in PSIEC which would have favoured them. State counsel opposes such argument and submitted that it is not the relationship of the official alone in the department of PSIEC but it is the illegal conduct of some of the corrupt officers and payment of bribe which led to all the scam.

7. State has opposed the bail and has referred to following portions of the reply which reads as follows:-

“Role of the petitioner

16. That during the course of investigation it was found that the Plot No.C-210, Phase VIII-B, Industrial Area, Mohali admeasuring 3500 Sq. yard that was originally allotted to co-accused Sukhpal Singh Sandhu under the name of a fake and non existing firm on its given address namely M/s Crossworth Partnership Firm, for IT Sector at the rate of Rs.11000/- per sq. yard on 29.11.2011. For which deposit of 10% amount at the time of allotment was got made through one Hardev Singh Jattana and nothing was paid thereafter, was subsequently got allotted by co-accused Jaswinder Singh Randhawa in the name of present petitioner Parminder Kaur wife of Shamsher Singh (who is his relative and from his own village) by way of getting submitted an application on 22.01.2018 with Estate Officer PSIEC through above said co-accused Sukhpal Singh Sandhu and Hardev Singh Jattana wherein they are cited as co-allotters' of aforesaid plot and have made request for transfer of the same in the name of present petitioner Parminder Kaur. Subsequently, the above said plot was found sold by way of bifurcation in four shares.

17. That however, the allotment application form was not having signatures of present petitioner Parminder Kaur at the time of initial checking of aforesaid plot allotment file, but, when the file of said plot was called from PSIEC for inquiry the said application form was found containing signatures of present petitioner Parminder Kaur. In addition, the allotment of aforesaid plot was got made by the present petitioner and above said co-accused persons in her name at the rate of initial allotment Le. Rs. 11,000/- per sq. yds. as existed in the year 2011, whereas, in accordance with rules for nonpayment the said initial plot allotment was liable to be cancelled and thereafter, the said allotment was to be made on the rates revised in the year 2013 ie. at the rate of Rs.13, 750/- per sq. Yard.

18. That as such during investigation it was found that Hardev Singh Jattana, co-accused Sukhpal Singh Sandhu and present petitioner Parminder Kaur were wrongly shown as co-allotees of the aforesaid plot and the signatures of present petitioner Parminder Kaur was got affixed subsequently after tempering with the plot allotment file. In this manner, loss of Rs.

96,25,000/- was caused to PSIEC by way of getting allotment of aforesaid plot in the name of present petitioner in an illegal manner on old rates.

Evidence against the petitioner

19. That it has come in the statement of Abhinav Mehta son of Swami Prasad Mehta recorded during the course of investigation that he had never leased out/given on rent his house no. 1177, New Light Cooperative Society, Sector 51B, Chandigarh to any person known by the name of Sukhpal Singh Sandhu or firm namely M/s Crossworth Partnership Firm at any point of time or any other person for that purpose and no such firm ever existed on his residential premises.”

8. An analysis of the above arguments would lead to the following outcome. It is not the prosecution case that the plot was not allotted to M/s Crossworth Partnership firm. The issue is about who were the partners of that firm. As per para no.18 of the reply mentioned above, Hardev Singh Jatana, co-accused Sukhpal Singh Sandhu and petitioner were wrongly shown as co-allottees by tampering the plot allotment file. Thus the issue is only relating to the membership of M/s Crossworth Partnership Firm and it is very difficult to presume that how and what manner loss could have been caused to PSIEC. In addition to this, petitioner is a woman as such she falls under separate class for grant of bail.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	

3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.