

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28062-2024
Reserved on: 08.08.2024
Pronounced on: 30.08.2024

Damanpreet Singh ...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 26 of the bail petition, the accused declares that he 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), Parminder Kaur (wife of his personal acquaintance Shamsher Singh), Kewal Singh, Sukhraj Singh, present petitioner 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."

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. Counsel for the petitioner submits that the present petitioner herein applied for the plot alongwith his family friend Mrs. Amandeep Kaur Kohri. On 13.07.2004 the Plot No. E-261, Phase-8-B, Focal Point, Mohali measuring 1000 Sq. yards was allotted to Sukhmani Enterprises. With mutual consent a partnership firm was made on 03.02.2004 with partners Damanpreet Singh and Amandeep Kohri with 60:40 shares. The amended partnership deed was made with the mutual consent of the partners in the year 2015-16 in which both the partners kept their share as 50% each. On 04.07.2016 with the mutual consent of the partners dissolution deed was made and the present petitioner retired from the said firm. Amandeep Kaur Kohri became 100% owner of the M/S Sukhmani Enterprises. The present petitioner had given affidavit to PSIEC regarding the same and the proprietorship was approved on 04.08.2016. The allegations leveled by the Vigilance Bureau Punjab that (a)-the allottee-firm had paid only paid 10% of the total amount of the plot in question and did not make any further payment which is false and frivolous. The said Plot was and is 'fully paid for, in full compliance with the payment-schedule applicable to the said Plot which include basic amount along with penal interest if any. (b) The 'date of allotment of the said Plot was changed from 13.07.2004 to 28.03.2013. It is, thus, claimed that the said change in the 'date of allotment' has caused a loss of Rs. 9,735 /- per square yard to the PSIEC. It is submitted that the said changes were duly approved by none less than the Competent Authority, i.e., the Managing Director of the PSIEC. And letter dated 27.02.2007 signifying the whole process. (c)- The Vigilance Bureau alleged that the partnership deed dated 03.02.2024 is a forged and fabricated document and Vigilance Bureau alleged that Amandeep Kaur Kohri was never a partner of the said firm. In the present case, Mrs. Amandeep Kohri, who was earlier Partner to the extent of 50% in the Allottee-Partnership-Firm became the sole-Allottee of the said Plot, to the extent of 100% share, through the said 'change in constitution' of the Partnership-Firm into his Sole Proprietorship Firm. The allegation leveled by the investigating agency are contrary to each other as explained above, therefore if in case the Petitioner is given the benefit of anticipatory bail he would be able to address his

grievance before the authorities' concerned in order to clarify true set of facts.

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

“Role of the petitioner

15. That similarly, based on verification of plot allotment made, co-accused-petitioner Avtar Singh was arrested on 23.05.2024, for his role surfaced during the course of investigation in illegal allotment of Plot No.E-261, Phase VIII-B, Industrial Area, SAS Nagar (Mohali) got made in the name of Amandeep Kohri based on an antedated partnership deed prepared for M/s Sukhmani Enterprises between her and son of Avtar Singh namely Damanpreet Singh (Present petitioner).

16. That during investigation conducted from co-accused Avtar Singh it has come on record that he is property dealer and close associate of co-accused Jaswinder Singh Randhawa. He has acted in connivance with co-accused Jaswinder Singh Randhawa in wrongful allotment of Plot No.E-261, Phase VIII-B, Industrial Area, SAS Nagar (Mohali) in the name of his son Damanpreet Singh (present petitioner) in the year 2004 and thereafter, in 2016 in preparation of ante-dated partnership deed in the name of Amandeep Kohri without her information, for transfer of said plot in her name on old rates of 2004 and in this manner, he derived unjust profit of Rs. 2,70,00,000/- from Amandeep Kohri. In that regard, statement of Amandeep Kohri and the property dealer Rakesh Mishra who had introduced and got effected the deal of Amandeep Kohri with co-accused Avtar Singh was recorded.

17. That furthermore, during investigation the co-accused Avtar Singh had revealed that out of the total amount of unjust profit of Rs. 2,70,00,000/- earned from Amandeep Kohri, Rs. 15.00 lakh were retained by him and the rest of the amount was given to co-accused Surinder Pal Singh, the then Chief General Manager (Estate), PSIEC.

18. That the present petitioner Damanpreet Singh had knowledge about the illegal activities of his father Avtar Singh and other co-accused persons and was acting in active connivance with them. He has used a fake and non existing firm on its given address for allotment of aforesaid plot under his name. Thereafter, he has also supported the illegal cause of his father Avtar Singh and co-accused Jaswinder Singh Randhawa of getting transferred aforesaid plot on old rates in the name of Amandeep Kohri by way of signing an antedated partnership prepared under his name and in the name of Amandeep Kohri by said co-accused persons for helping them derive unjust and illegal profit from such transfer from his name to the name of Amandeep Kohri. It has come in the statement of his father Avtar Singh that they have received a sum of Rs. 15 lakh for supporting the said illegal cause and in the statement of Amandeep Kohri that she had paid amount of Rs.

2,70,00,000/- in cash and the balance amount in their bank accounts.”

7. An analysis of the above arguments would lead to the outcome that although there is prima facie evidence of petitioner’s knowledge about illegal activities of his father Avtar Singh and co-accused, but it is a case of documentary evidence and considering the fact that there is no specific evidence that how much monetary benefit the petitioner had procured and the fact that despite the incident being old, he was not arrested, it is a case for grant of anticipatory bail.
8. 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.
9. 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.
10. 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) | |
11. 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.
12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
13. 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.

14. **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.