

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28091-2024
Reserved on: 08.08.2024
Pronounced on: 30.08.2024

Sukhraj Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipul Joshi, 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 Act, 1988 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 13 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, nephew Binay Partap Singh. Parminder Kaur (wife of his personal acquaintance Shamsher Singh), Kewal Singh, present petitioner-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, Parminder Kaur, Binay Partap, Kewal Singh, Gurpreet Kaur, Gurmail Singh and his daughter Gagandeep Kaur, present petitioner- Sukhraj Singh 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. Counsel for the petitioner submits that the allegations against the petitioner pertains to plot C-211 which was originally allotted to petitioner and his co-allottee vide allotment letter dated 29.11.2011, subsequently the date of allotment was firstly changed to 15.06.2015 then to 18.02.2016 and then to 01.02.2017 to extend undue benefits to the petitioner. Counsel for the petitioner submits that the extensions were done by following long standing policy of PSIEC and was duly approved by Board of Directors.

6. State counsel submits that petitioner is a big industrialist and some corrupt officials of PSIEC were hand in glove with the some of the accused and the allegations against the petitioner are also of using undue influence, as such he is not entitled to bail.

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

“ROLE OF THE PETITIONER

31. That during the course of investigation it has come on record that originally the Plot No.211. Phase-VIII-B Industrial Area, Mohali was allotted in the name of present petitioner-Sukhraj Singh and Satinderpal Singh for stationary products plant on 29.11.2011, which was liable to be cancelled in the year 2011 itself for non-payment of applicable dues by them within the applicable period.

32. That, however the allotment of said plot in their name was not cancelled and subsequently, the allotment date of said plot was changed to 18.02.2016. Later on, the said plot was found sold after bifurcation in four parts to different persons.

33. That in this manner, by allowing the petitioner to keep the above said plot despite non-payment and thereafter, permitting change of allotment date and not allotting afresh the aforesaid plot on revised rates, a loss of Rs.87,50,000/-was caused to PSIEC as the revised allotment rate in 2017 was Rs.12,500/- per sq. Yard.

Evidence Against the petitioner

34. That it is matter of fact on record that the plot allotted in the name of present petitioner and his co-allottee was not cancelled despite non-payment of applicable dues by them within the stipulated period and subsequently, the allotment dates of plot were changed for allowing the petitioner and his co-allottee to keep the said plot on old rates. Whereas as per applicable procedure the allotment made in their favour was liable to be cancelled and afresh allotment was to be made on revised rates.”

8. An analysis of the above arguments clearly points out prima facie the allotment was liable to be cancelled in the year 2011 itself but due to influence, the allotment date was changed to 18.02.2016 and subsequently contrary to the rules, the plot was bifurcated in four parts and sold to different persons. Thus, on the face of it, the loss was caused to PSIEC as mentioned in para no.33 of the reply (supra). There is also evidence against the petitioner of using his influence in allotting the said plot at old rates but despite such evidence the fact remains that matter pertains to 2017 and the investigation is almost complete qua the petitioner. Moreover, the shortage of money can be easily recovered from the petitioner. Needless to say that if the petitioner fails to cooperate regarding recovery, then it shall be permissible for the State to seek cancellation 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)	
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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.