

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36642-2024
Reserved on: 06.08.2024
Pronounced on: 30.08.2024

Savtej Singh Sandhu ...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
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, Phase-I, Punjab, Mohali	409, 420, 465, 467, 468, 471, 120-B IPC, Section 13(1)A read with 13(2) of Prevention of Corruption Act, 1988 (Amended Act, 2008)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 29 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, 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 Gurpreet Kaur (wife), nephew Binay Partap Singh, 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, 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 accused Savtej Singh (present petitioner), 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 NOT 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, present petitioner Savtej 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. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"Role of the petitioner:-

19. *That so far as the present petitioner is concerned he apart from helping other co-accused persons in getting allotted different plots in the name of Jaswinder Singh Randhawa's relatives/friends/acquaintances, himself has got allotted plot no. 394- A, Industrial Focal Point Amritsar, in the name of his son Manroop Singh based on fictitious address. The illegality surfaced during inquiry in allotment of aforesaid plot.*

Evidence against the petitioner:-

20. *That during the course of investigation, it has come on record in statement of Amandeep Singh that he has applied jointly with Manroop Singh son of accused Savtej Singh (present petitioner). Gurdeep Singh now deceased (father in law of accused Savtej Singh) and Gurtej Singh (Nephew of accused Savtej Singh) for allotment of plot no. 394-A, Industrial Focal Point Amritsar, in the name of M/s Gurtej Industries. However, Gurtej Singh in his statement has refuted the version of Amandeep Singh and has got recorded that neither he has any industry under the name of M/s Gurtej Industries.nor has ever applied for allotment of plot no.394-A (supra). His signatures on the allotment application form of above said plot are forged and he has never participated in any interview for allotment of said plot to him. Besides, the postal authorities have also returned the letter addressed to aforesaid company (M/s Gurtej Industries) at its given address, with remarks that no such company exist at its stated address. Similarly, Talwinder Singh son of Late Gurdeep Singh in his statement has got recorded that accused Savtej Singh is his brother in law.*

Apart from aforesaid statements, it has further come on record that the amount of Rs.12, 50, 000/- paid as earnest money for allotment of aforesaid plot no.394-A, was paid in the form of four demand drafts, i.e., three demand drafts of Rs.2, 50, 000/- each and

one demand draft of Rs.5, 00, 000/-. Out of the said demand drafts the one demand draft of Rs.2, 50, 000/- has been got issued from Oriental Bank of Commerce account no.04872191020398 of Manroop Singh (son of present petitioner), two demand drafts of Rs.2, 50, 000/- and Rs.5, 00, 000/- from the joint bank account of Amandeep Singh and one demand draft of Rs.2, 50, 000/- from the bank account of Gurdeep Singh now deceased (father in law of present petitioner), which amount was subsequently returned to him by Manroop Singh through bank transaction i.e. RTGS.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 26 of the bail petition, the petitioner has been in custody since 25-07-2024. Given the penal provisions invoked, the co-accused having got bail on much lesser custody, viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

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 bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned 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.

12. 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.