



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-45283-2024

Date of decision: 30.09.2024

Iqbal Singh Sandhu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Deol, Advocate
for the petitioner.

Mr. Deepender Singh, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.244 dated 29.10.2013 under Sections 419, 420, 465, 468, 120-B, 409 of the IPC and Sections 7 and 13 of the Prevention of Corruption Act, registered at Police Station Navi Baradari, Jalandhar, District Jalandhar.

2. Affidavit of Naranjan Singh, PPS, Deputy Superintendent of Police, Vigilance Bureau, Range Jalandhar, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. On the last date of hearing, following submissions were made by the learned senior counsel for the petitioner:-

“Learned Senior counsel for the petitioner, at the outset, has drawn the attention of this Court to Annexure P-6, which is an order passed by the then Chief Secretary,



CRM-M-45283-2024

Punjab declining the sanction to prosecute the petitioner. Learned Senior counsel submits that in fact the petitioner was a whistle blower, and it was, he, who had reported against certain persons, who after impersonating as landowners had been getting compensation with respect to some land of Improvement Trust, Jalandhar, which had been acquired. Learned Senior counsel has further submitted that strangely, after four years vide order dated 15.05.2024 (Annexure P-9) without any additional incriminating material being measured the Special Secretary, Punjab had reviewed the earlier order declining the sanction to prosecute the petitioner and had instead granted sanction to prosecute the petitioner. On a pointed query put to the learned Senior counsel, it has been submitted that one of the accused Jatinder Sharma had suffered a disclosure statement in the year 2017 wherein he allegedly nominated the petitioner by stating that he had lent his tacit support to the accused and had paid a bribe of Rs.4 lakhs to the petitioner, which fact was duly considered when the previous sanction was declined vide order dated 09.06.2020 (Annexure P-6)."

4. In addition to the above, learned senior counsel for the petitioner submits as follows:-

(i) that it is evident from the reply filed by the State that no new material has been brought before the sanctioning authority while reviewing its earlier order, dated 09.06.2020, which declined sanction. The review was sought by the prosecution only after the retirement of the petitioner, and that too after four years after the original order declining sanction. The investigating agency was attempting to implicate the petitioner nearly ten years after the FIR was registered on 29.10.2013, despite it being the petitioner who had initially uncovered a large-scale fraud perpetrated by the co-accused, who impersonated landowners to receive compensation for acquisition. The petitioner not only alerted the relevant authorities about the fraud but also voluntarily testified as PW1 against the co-accused.

**CRM-M-45283-2024**

(ii). that the sanctioning authority in its order dated 15.05.2024 strangely considered the fact that two additional instances of fraud had been uncovered by the investigating agency subsequently, which the petitioner had not initially reported when lodging the FIR. It was pertinent to note that the petitioner was not the investigating officer but had initially conducted the inquiry independently. Upon discovering the fraud, it was he who immediately informed the authorities about the misconduct of the co-accused. The uncovering of two additional fraudulent instances by the investigating agency did not justify drawing a negative inference against the petitioner, especially when the entire transaction was already under investigation by the investigating agency.

(iii). that there was no material on record to show any conspiracy with other accused; the issuance of a DO letter by the petitioner to co-accused Manjeet Singh for his passport could also not be construed as evidence of a criminal conspiracy, particularly when the petitioner, in his official capacity, had issued numerous such letters. Additionally, all the material on record against the petitioner, including the aforesaid DO letter and disclosure statements of the co-accused, had already been considered by the sanctioning authority in its earlier order dated 09.06.2020, declining sanction to prosecute him. After a thorough review of the material, the sanctioning authority had concluded that the allegations made by the investigating agency were not substantiated by any evidence collected during the investigation.

(iv). that the petitioner is being unjustly subjected to a trial, while the main accused in the case, who are well-connected and receive



CRM-M-45283-2024

patronage from senior officials and politicians, remain unscathed. Despite being a whistle-blower, the petitioner has been made a scapegoat and has been languishing in custody for the past two months. The trial has been underway for over ten years, since 2013, with no indication of a conclusion, as the challan has yet to be presented against the petitioner.

Submissions by the State:

5. The learned counsel for the State submits that after the registration of the FIR, two additional instances of fraud regarding compensation paid to impersonators, based on forged '*jamabandis*' were uncovered. These acts were committed with the connivance of the petitioner and co-accused Manjeet Singh; in this regard attention of this Court has been drawn to paragraph 5 of the affidavit filed today in the Court. He submits that in the original sanction order dated 09.06.2020, it had been noted that there was no connection between Manjeet Singh and the petitioner, however, despite the DO letter issued by the petitioner to co-accused Manjeet Singh on record.

6. The learned counsel for the State further contends that, in addition to the new material, the sanctioning authority took note of certain facts that had been on record earlier but had escaped the notice of the previous sanctioning authority. Specifically, the sanctioning authority noticed that bogus applicants had received compensation within a few days, whereas the legitimate beneficiaries had been compensated after a significant delay. In support, the attention of this Court has been drawn to paragraph 10 of the affidavit.



CRM-M-45283-2024

7. In response to a pointed query, the State could not deny that the aforementioned material was available with the previous sanctioning authority. However, he asserts that this material had been inadvertently overlooked at that time.

8. It has been further argued by the learned State counsel that the allegations against the petitioner are serious, as the disclosure statements made by co-accused Sandeep Sharma and Jatinder Sharma indicate that 8% of the compensation disbursed to the bogus beneficiaries was to be received by the petitioner.

9. However, in response to a further query, the learned State counsel on instructions has replied that no evidence of any money trail linking the petitioner to the co-accused had been uncovered during the investigation till now.

10. I have heard learned counsel for the parties and perused the material placed on record.

11. In the facts and circumstances as enumerated hereinabove coupled with the fact that the investigation qua the other accused is complete, and the case rests on documentary evidence already in possession of the investigating agency, there thus can be no likelihood of the petitioner tampering with evidence. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

12. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed

CRM-M-45283-2024

to be an expression of opinion on the merits of the case.

13. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

30.09.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No