

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. The petitioner's counsel seeks bail on parity and has referred to Para D of the bail petition, which reads as follows:

“D. That the present Petitioner was an innocuous and low-ranking employee of the PSIEC; and, a bare perusal of the said FIR No. 4 would reveal that no specific allegations have been levelled against the present Petitioner. In fact, the only case set-up against the present Petitioner is of 'assisting the 2 main senior co-accused-Officials of the PSIEC. It is relevant to note that both of the said 2 main co-accused-Officials have been released on Regular Bail by this Hon'ble Court after only 13 days of incarceration.”

5. 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.

6. The State's counsel opposes bail and refers to the reply.

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

“ Role of petitioner:

11. That the petitioner has remained posted as Estate Officer, PSIEC and he has been responsible for issuance of allotment letters of plots, forwarding files for change of date of allotment to co-accused Surinder Pal Singh and issue process for recovery of pending dues against the plot allottees. In the present matter, he in connivance with other co-accused persons has issued allotment letters of plots to fictitious allottees on fake addresses and has been instrumental in waiving of penal interest applicable on pending dues by way of recommending change of plot allotment date and delaying the recovery process for lingering on the cancellation action against the plot allottees who has failed to clear their dues within prescribed period, for granting them illegal benefits.”

8. Pre-trial incarceration should not be a replica of post-conviction sentencing.

There is sufficient prima facie evidence connecting the petitioner with the alleged crime.

However, per paragraph 9 of the bail petition, the petitioner has been in custody since 07.09.2024. Given the penal provisions invoked 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 further pre-trial incarceration at this stage.

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 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.

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.

13. 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.

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

15. 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.

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

(ANOOP CHITKARA)
JUDGE

19.10.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.