



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-49823-2024
DATE OF DECISION: 18.10.2024

DEEPAK SHARMA

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.APS Rana, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.
Ms. Amandeep Kaur, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 482 of the
Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of Anticipatory Bail
to the petitioner in case FIR No. 28 dated 29-07-2024 under Section
420, 465, 467, 468, 471, 120-B IPC, registered at Police Station,
Punjab State Crime, S.A.S. Nagar Mohali.

2. Prosecution story, set up in the present case as per the
version in the FIR read as under :-

*‘One letter from the office of Director, Bureau of
Investigation, Punjab, Chandigarh bearing No.2604//C.C-2
dated 29/07/2024 along with letter No. 27312/VB/A.S.-5 dated
09/07/2024 from Joint Director (Complaint Cell) and Chief
Director Vigilance Bureau Punjab, inquiry report alongwith
statements and record received in police station state crime. On
the said letter dairy No. of Police station State Crime bearing
No. 311/Diary/PS/ST/CR dated 29-07-2024 is entered. The*



details of the received letter are: from Director, Bureau of Investigation, Punjab, Chandigarh. To S.H.O., police station state crime, phase 4, SAS Nagar. Number 2604/CC-2, dated 29-07-2024. Subject: Complaint No. 149/2020 Mohali against officials/employees of GMADA Mohali town planner and M/s Bajwa Developers. Reference reminder letter vigilance bureau, Punjab, Vigilance Bhawan, Sector 68, SAS Nagar, office letter no. 27312/VB/A.S.-5 dated 09-07-2024 on the subject mentioned above. 2. On the subject cited above, report received from Vigilance Bureau along with record and opinion of DA (legal) BOI through the letter under reference is being sent to you for registration of FIR against accused under section 420, 465, 467, 468, 471 and 120 B IPC and thorough investigation be done. During investigation, if any fact or proof are found against GMADA/PUDA officials, then in that regard necessary action as per law be taken. In this regard compliance report be sent to this office immediately. SD/ (AIG/ Litigation) for Director Bureau of Investigation, Punjab, Chandigarh. Complaint No. 149/2020 from Sucha Singh S/o Ajit Singh R/o Village Raipur, District SAS Nagar. To, the Chief Secretary, Government of Punjab, Punjab, subject: Complaint regarding illegally approved Mega project without my consent on my land by the GMADA officials (Chief Town Planner). Respected Ma'am, I Sucha Singh s/o Ajit Singh stated that I am land owner of 8 Kanals and 1 marla of Village Hasanpur, District SAS Nagar Mohali. In the year 2016, M/s Bajwa Developers Ltd. Submitted the Mega project named Sunny Enclave, village Jandpur, Seenhpur, Hasanpur, Sector 122,123,124, 125, District SAS Nagar for approval in GMADA. This project was approved by GMADA vide letter no. 1685 CTP (PE)/MPR23. The officials of GMADA approved this project in my land without my consent. Now I feel defrauded by the GMADA officials. Apart from this I also want to inform you that the GMADA officials illegally approved Shamlat land of village Seenhpur as reserved for EWS



Flats in this mega project. This approved mega project 3.426 acres land which was shamlat of Village Seenhpur, GMADA officials illegally approved this land as EWS flats for M/s Bajwa Developers Ltd. This smells of great conspiracy between the M/s Bajwa Developers Ltd. Chief Town Planner GMADA and other officials of GMADA. So it is my humble request to cancel the above said mega project in the interest of justice and conduct an inquiry against the erring officials of GMADA. Thanking you. Sincerely SD/ Sucha Singh S/o Ajit Singh village Raipur District SAS NAGAR 9815833009 (M).'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and the allegations qua him only of accompanying the deponent to the Notary Public namely Manbir Singh, Advocate for attestation of documents, that too in the year 2012 whereas at that relevant time, he was pursuing his education in the degree course of graduation in Punjabi University, Patiala, thereafter went for higher studies. It is his specific stand that he was not an employee in the office of M/s Bajwa Developers Limited earlier and has joined only in March 2016 and prior to that he was an employee in Dell Company where he was getting his salary through bank account in City Bank, Sector-8 Branch, Chandigarh (now merged in Axis Bank Ltd.) and in that regard reference to letter of appointment dated 22.05.2013 (Annexure P-3) has been made.

On behalf of the State

Learned State Counsel was called upon on 07.10.2024 and was directed to file reply.



Today, affidavit of Mr. Rajinder Singh, PPS, Deputy Superintendent of Police, State Crime Police Station, SAS Nagar has been filed in compliance to that order dated 07.10.2024 by learned State Counsel, Copy of the same has been furnished to the counsel opposite. He has referred to the paragraph No. 7 of that affidavit which reads as under :-

‘7. That the aforesaid FIR has been registered against the petitioner on the allegations made in the statement of Manvir Singh, Advocate, Notary Public, Tehsil Kharar who has stated that the said stamp papers/affidavits were attested by him but these Ostamp papers/affidavits were attested by him on the asking of A accused/petitioner Deepak Kumar and his fellow employees namely and Shampy.’

Apart from that, it has also been argued on behalf of the learned State Counsel that the custodial interrogation of the petitioner is required to verify as to when and where the petitioner procured the forged affidavit, therefore, prays for dismissal of the present petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties and the fact that the petitioner undertakes to join the investigation within 10 days from today and in light of the very fact that in case he co-operate with the investigating agency the proceedings in the instant FIR would at least proceed further wherein the main accused Jarnail Singh Bajwa is in custody. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for



furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of ten days from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation

within ten days, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

18.10.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No