

2024:PHHC:141276



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53915-2024
DECIDED ON: 28.10.2024

MANBIR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Prateek Sodhi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court has been invoked under Section 482 BNSS Act for grant of anticipatory bail in FIR No.28 dated 29.07.2024, under Sections 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station Punjab State Crime, SAS Nagar (Annexure P-1).

2. Brief facts of the case as narrated in the FIR reads 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.-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 Nagai GMADA vide letter no. 1685 CTP (PE)/ MPR23. The officials of MADA 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 Seenpur, 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). In the conclusion of inquiry report of above complaint, Inspector Jabir Kaur Vigilance Bureau unit SAS Nagar has written that after inquiry of above complaint, the under signed has arrived at the conclusion that on the basis of statements and record, complainant Sucha Singh has executed an agreement at village Hasanpur with M/s Bajwa Developers Ltd. through it's M.D. Jarnail Singh Bajwa on 18/05/2015. Jarnail Singh Bajwa got sale deed of 1 acre 1 marla land executed as per agreement to sell from Sucha Singh, however as per agreement to sell, sale consideration amount of 1 acre land was not paid to the complainant and complainant Sucha Singh filed civil suit against him and after hearing, the Hon'ble Court has passed stay order on raising construction on the land. Sale deed of 1 acre land is yet to be executed by Sucha Singh in favor of M/s Bajwa Developers in pursuance to agreement to sell already executed on 18/05/2015, which has not been executed till date. In the year 2016 M/s Bajwa Developers Ltd. Started developing his one project in Sunny enclave Sector 122,123,124,125. For the same, M/s Bajwa Developers Ltd. has taken approval from MADA for acquisition of land in village Hasanpur, Jandpur and Seenhpur vide letter No. 1685/CTP(P.B.)/M.P.R. dated 06-04-2016. For this approval, when M/s Bajwa applied for approval, then the consent letter, affidavit of the persons who have entered into an agreement to sell of their land with M/s Bajwa developers Ltd. Were also Developers. M/s Bajwa fraudulently prepared fake consent letter of complainant Sucha Singh of his land, regarding which the case is pending in the court and the sale deed of said land measuring 1 acre 1 marla has not been executed yet and appended fake signatures of Sucha Singh and submitted in the GMADA Office. On the basis of the same, approval was granted by GMADA. During inquiry record was obtained from the office of GMADA Mohali and it is found that the stamp paper on which the fake

consent letter has been prepared, bears the stamp on the back side of stamp paper of stamp vendor Rounak Lal and • by mentioning the stamp register number, the same has been shown to be sold on 15-10-2010. In this •regard, the stamp vendor Rounak Lal was joined in the inquiry and he made statement that he has not sold the said stamp paper and the stamp and register number on the said stamp paper is fake. These stamp papers were attested by Advocate Manbir Singh Notary Public Kharar and he made statement that the said stamp papers were attested by him but these stamp papers were attested by him on the asking of Deepak, Sukhjot and Shampy, who are working in the office of documents being known to him. Thereafter regarding issuance of these stamp papers, a report was sought from District Treasury Office Mohali, who gave written report after receiving report from Kharar/Derabassi and Mohali and written that these stamp papers have not been issued by them. During inquiry it has come on record that these stamp papers have been shown to be issued on 15-10-2010 by mentioning the register number; whereas agreement to sell of land between Sucha Singh and M/s Bajwa was executed on 18-05-2015. If the agreement to sell was executed in the year 2015, then how the consent letter/affidavit can be given in the year 2010, meaning thereby the same are fake one. These stamp papers were purchased from where and in which year, this is matter of investigation as M.D. Jarnail Singh Bajwa of M/s Bajwa Developers private limited and his employees namely Deepak, Shampy and Sukhjot Singh did not come present to join inquiry despite repeated calls. Apart from this, during inquiry, it came to the notice from the office of M/s Bajwa that Sukhjot Singh has expired some time back. Therefore, I have reached to the conclusion that M/s Bajwa Developers Private Limited District Mohali Singh Advocate Notary Public Tehsil Kharar prepared fake consent letter of the land of complainant Sucha Singh and got CLU from GMADA. In this there can be connivance of the officials/employees of GMADA/PUDA, as it is impossible without their connivance to do such acts. During inquiry these facts could not be clarified due to non-joining of inquiry by M/s Bajwa Developers Private Limited and the

persons working with them. It is part of investigation. Therefore after taking opinion from legal branch Vigilance Bureau Punjab, it is suggested for registration of FIR against M/s Bajwa developers Private Limited through it's M.D. Jarnail Singh Bajwa, Deepak Kumar, Shampy and Advocate Manbir Singh Notary Public Tehsil Kharar District Mohali. Apart from this, the role of officials/employees of GMADA/PUDA will be considered during investigation. SD/- (Jasbir Kaur) Inspector Police, Vigilance Bureau, Unit SAS Nagar. 27-09-2022 complaint Number 149/2020 regarding Joint Director (Complaint Cell) and Chief Director Vigilance Bureau Punjab report letter number 27312/VB/A.S.-dated 09-07-2024. XXX XXXX XXXX “

3. Contentions

On behalf of the petitioner:

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, as he notarized the consent letter, which is already in the possession of the authorities. He further submits that nothing is to be recovered from the possession of the petitioner, as he has no stake or interest in the land transaction.

Notice of motion.

On behalf of respondent-State

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent-State, who prays for dismissal of the present petition on the ground that the petitioner has played crucial role in the entire crime, as he has notarized the letter of consent for 2 Acres of land and no entry in this regard has been made in the register by Notary. Whereas, Ms. Amandeep Kaur, Advocate appearing on behalf of complainant, argues that the complainant never gave any consent letter and the same has been forged to defraud the complainant.

5. **Analysis**

Be that as it may, considering the fact that nothing is to be recovered from the possession of the petitioner, as the document in dispute is already in the possession of the Investigating Agency, this Court is of the view that custodial interrogation of the petitioner is not required at this stage. Moreover this Court is of the considered view that if any other information is required to be collected by the State, the petitioner is ready and willing to join the investigation and, therefore, it can be collected if the petitioner once joins the investigation.

6. **Decision**

In view of the above, the petitioner is directed to join the investigation within a period of 10 days and in case of doing so, he shall be released on anticipatory bail subject to 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 do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

28.10.2024
Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>