**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRR-439-2021 (O&M)
Reserved on : 18.03.2025
Pronounced on : 15.05.2025**

Murari Lal Tayal .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

**CRM-M-6320-2021 (O&M)
Reserved on : 17.02.2025
Pronounced on : 15.05.2025**

Chhatar Singh .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

**CRM-M-1919-2021 (O&M)
Reserved on : 24.04.2025
Pronounced on : 15.05.2025**

Sudeep Singh Dhillon .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

**CRM-M-6155-2021 (O&M)
Reserved on : 28.04.2025
Pronounced on : 15.05.2025**

Jaswant Singh .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

**CRR-734-2021 (O&M)
Reserved on : 28.04.2025
Pronounced on : 15.05.2025**

Anil Kumar Batra .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

CRR-597-2021 (O&M)
Reserved on : 28.04.2025
Pronounced on : 15.05.2025

Frontier Home Developers Pvt. Ltd. .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

CRR-742-2021 (O&M)
Reserved on : 28.04.2025
Pronounced on : 15.05.2025

Guru Nanak Infrastructure Developers Pvt. Ltd. .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by : Mr. R.S. Cheema, Sr. Advocate with
Ms. Sumanjit Kaur, Advocate and
Mr. Satish K. Sharma, Advocate
for the petitioner in CRR-439-2021.

Mr. Akshay Bhan, Sr. Advocate
Mr. Animesh Sharma, Advocate,
Mr. H.P.S.Sandhu, Advocate,
Mr. Abishai Al Fred George, Advocate and
Mr. Gurfateh Singh Khosa, Advocate
for the petitioner in CRM-M-6320-2021.

Mr. Vikram Chaudhri, Sr. Advocate (through VC) with
Ms. Hargun Sandhu, Advocate and
for the petitioner in CRM-M-1919-2021.

Mr. Puneet Bali, Sr. Advocate with
Mr. Arjun Sheoran, Advocate and
Mr. Gagandeep Singh, Advocate
for the petitioner in CRM-M-6155-2021.

Mr. Randeep S. Rai, Senior Advocate with
Ms. Rubina Virmani, Advocate,
Mr. Ritu Raj Singh, Advocate,
Mr. Aditya Wadhwa, Advocate,
Mr. Ayush Srivastava, Advocate and
Mr. Siddharth Sunil, Advocate
for the petitioners in CRRs-734, 597 and 742-2021.

Mr. Ravi Kamal Gupta, Special Public Prosecutor,
for the respondent-CBI.

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MANJARI NEHRU KAUL, J.

1. This order shall dispose of above referred petitions as they all arise out of the same impugned order and similar questions of facts and law are involved in them.

2. Petitioner Murari Lal Tayal (in **CRR-439-2021**) is challenging order dated 01.12.2020 passed by learned Special Court, CBI, Panchkula (hereinafter referred to as 'Special Court'), vide which his application for discharge was dismissed and charges were framed against him and his co-accused under Section 120-B read with 420 of the Indian Penal Code, 1860 (for short, 'the IPC') and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 (hereinafter referred to as 'PC Act'), in case FIR No.RCCHG2015A0019 dated 15.09.2015 titled as 'CBI Vs. Bhupinder Singh Hooda and others'.

2A. Petitioners Chhatar Singh (in **CRM-M-6320-2021**), Sudeep Singh Dhillon (in **CRM-M-1919-2021**) and Jaswant Singh (in **CRM-M-6155-2021**) are seeking quashing of orders dated 16.03.2018 passed by learned Special Court whereby cognizance was taken and summons were issued against them, as well as order dated 01.12.2020 whereby charges under Sections 120-B, 420 of the IPC and Section 13(1)(d) read with Section 13(2) of the PC Act arising out of the above said FIR, were framed against them.

2B. Petitioners Anil Kumar Batra (in **CRR-734-2021**), Frontier

Home Developers Pvt. Ltd. (in **CRR-597-2021**) and Guru Nanak Infrastructure Developers Pvt. Ltd. (in **CRR-742-2021**) are challenging order dated 01.12.2020 passed by the learned Special Court whereby charges were framed against them for commission of offence punishable under Section 120-B read with Section 420 of the IPC and Section 13(1)(d) read with Section 13(2) of the PC Act and substantive offences thereof.

3. **<u>Gist of the Case of the Prosecution (As Per the Police Report and Record</u>**

(a) The genesis of the present case lies in a notification issued by the Government of Haryana under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'LAA'), dated 27.08.2004, for acquisition of approximately 912 acres of land situated in the revenue estates of villages Manesar, Naurangpur, and Lakhnaula, District Gurugram. The stated purpose for such acquisition was the establishment of an industrial model township.

(b) It is alleged that following the issuance of the aforementioned notification, private builders and land dealers exploited the fear among the innocent landowners, particularly farmers, that their land would be acquired by the Government at nominal compensation. Under this pressure, these farmers were induced to sell approximately 350 acres of their land to private entities at throw-away prices, ranging from Rs.20 to Rs.25 lakhs per acre.

(c) As per the police report, after the issuance of the notification under Section 9 of the LAA, the remaining landowners who had not previously parted with their land were also compelled to sell about 50 acres to some private builders at increased rates of about Rs.1.5 crores per acre.

(d) Once the targeted land had been acquired by these private entities, and the process of acquisition had effectively served its covert objective, the Director of the Department of Industries passed an order dated 24.08.2007, withdrawing the acquisition proceedings with respect to the said land. It is alleged that this release was made in contravention of prevailing Government Policy and was done not in favour of the original landowners, but to benefit the builders, their companies, and intermediaries.

(e) The *modus operandi* described above purportedly enabled the conspirators to acquire approximately 400 acres of land for a cumulative consideration of only around Rs.100 crores, while the actual prevailing market value at the time was estimated to be Rs.4 crores per acre—amounting to a total value of about Rs.1,600 crores.

(f) It is thus alleged that certain politicians, senior State functionaries, Government Officers, and their agents colluded in a criminal conspiracy, thereby causing wrongful loss of approximately Rs.1,500 crores to the landowners of the said villages and corresponding unlawful gains to themselves and associated private entities.

4. **Litigation Before the High Court and the Hon'ble Supreme Court**

(a) The land acquisition in question has been the subject of extensive litigation before both this Court, and the Hon'ble Supreme Court. Although the present petitions must be adjudicated on their own merits, it would be appropriate to briefly outline the history of litigation concerning the impugned acquisition proceedings.

(b) The State Government formally withdrew the land acquisition process vide order dated 24.08.2007. Thereafter, an Inter-Departmental Committee also recommended complete withdrawal of the acquisition. Accepting this recommendation, the Department of Industries and Commerce resolved to terminate the acquisition proceedings on 29.01.2010.

(c) Aggrieved by these developments, certain landowners approached this Court by filing Civil Writ Petition No.23769 of 2011 and other connected matters. They contended that the entire process of acquisition, beginning with the initiation of acquisition and culminating in its abrupt withdrawal just two days before the scheduled date for declaration of award, was executed with malice. It was alleged that the process was deliberately manipulated to coerce landowners into selling their fertile, high-value land at throwaway prices to private developers. The petitioners sought, *inter alia*, the cancellation of the sale deeds executed in favour of the builders.

(d) These writ petitions were dismissed by a Division Bench of this Court, vide judgment dated 15.12.2014. The aggrieved landowners carried the matter to the Hon'ble Supreme Court by filing ***Civil Appeal No.8788 of 2015 titled 'Rameshwar and others Vs. State of Haryana and others'***, along with several connected appeals.

(e) The Hon'ble Supreme Court, vide its judgment dated 12.03.2018, allowed the civil appeals. In paragraph 3 of the said judgment, the Hon'ble Court elaborated the entire factual background in detail (not reproduced here for brevity). The Apex Court held that the decisions of the State Government dated 24.08.2007 and 29.01.2010, as well as the acceptance of licence applications from those who had purchased land post-notification, did not represent a *bona fide* exercise of power. On the contrary, such actions constituted a "fraud on power". It was further observed that the transactions between landowners and private builders were not voluntary but the result of coercive and fraudulent circumstances.

(f) The relevant concluding observations of the Hon'ble Supreme Court are reproduced hereinunder:-

> *"31. If we consider the established or crystallized facets of the matter as stated above, in the light of the principles emerging from the decisions rendered by this Court, in our considered view the decisions dated 24.08.2007 and 29.01.2010 were taken to confer advantages and benefits upon the builders/private entities rather than to carry out or effectuate public purpose. The record indicates that various entities including certain "middlemen" cornered unnatural gains and walked away with huge profits taking the entire process of acquisition for a ride. Substantial sums have exchanged hands in the form of settlement money. All the steps and stages show that the builders/private entities were well aware that the acquisition would not go through but the landholders were confronted with the smoke screen of acquisition and were cornered and persuaded in entering into transactions with the builders/private entities. The transactions so entered into between the landholders and the concerned builders/private entities could not be said to be voluntary and free from any influence. The unnatural and unreasonable bargain was forced upon the landholders by creating façade of impending acquisition. Public Interest was not the underlying concern or objective behind those decisions dated 24.08.2007 and 29.01.2010 but the motive was to confer undue advantage on the builders/private entities. It is clear that considerations other than those which were required to be bestowed, guided the exercise of power in arriving at decisions dated 24.08.2007 and*

29.01.2010. The inescapable conclusion, therefore, is that there was an unholy nexus between the governmental machinery and the builders/private entities in devising a modality to deprive the innocent and gullible landholders of their holdings and jeopardize public interest which the acquisition was intended to achieve. Mr. Dhruv Mehta, learned Senior Advocate is right in his submission that the entire mechanism was deliberately employed so that gullible landholders could be deprived of their holdings by a set of builders/private entities and after having seen that the desired result was achieved, the acquisition was dropped and later completely withdrawn. The decisions on the part of the State arrived at on 24.08.2007 and 29.01.2010 were clearly a result of fraud on power and cannot be said to be bona fide exercise of power. In our view, the initiation of class action and filing of Writ Petition in the present matter was perfectly justified and we reject all the submissions made by the learned Counsel appearing for various builders/private entities.

32. We thus hold that:-

a] The transactions entered into between the landholders and the concerned builders/private entities in the present case were not voluntary and were brought about by fraudulent influence. Certain 'middlemen' and builders enriched themselves at the expense of the landholders and public interest which was to be achieved by acquisition.

b] The decisions dated 24.08.2007 and 29.01.2010 as well as entertaining of applications for grant of licence from those who had bought the lands after the acquisition was initiated, were not bona fide exercise of power by the State machinery. The exercise of power under the Act was guided by considerations extraneous to the provisions of the Act and as a matter of fact, was designed to enrich the builders/private entities. These decisions were nothing but fraud on power."

5. **Transfer of Investigation to Central Bureau of Investigation (CBI)**

(a) In the present matter, one FIR No.510 dated 12.08.2015, was registered at Police Station Manesar, Gurugram, under Sections 420, 465, 467, 468, 471, 120-B of the IPC, along with Section 13 of the

PC Act. The FIR named unidentified public servants of the Government of Haryana and certain private individuals as accused.

(b) Subsequently, on 14.08.2015, the Government of Haryana considering the gravity and complexity of the case, issued a formal request for the investigation to be handed over to the Central Bureau of Investigation (hereinafter referred to as 'CBI'). Acting upon this request, the CBI officially took over the probe on 15.09.2015 and registered a case bearing No.RCCHG2015A0019, concerning the alleged irregularities in the acquisition of land situated in villages Manesar, Naurangpur, and Lakhnaula in District Gurugram.

6. **Filing of the Police Report and Proceedings Before the Learned Special Court**

(a) Upon completion of investigation, the CBI submitted a Police Report under Section 173 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') before the learned Special Court on 01.02.2018, against the following individuals/entities, including the petitioners:

Sr. No.	Name	Designation
1.	Bhupinder Singh Hooda	Chief Minister, Haryana
2.	Murari Lal Tayal	Principal Secretary to Chief Minister, Haryana
3.	Chhatar Singh	Principal Secretary to Chief Minister, Haryana
4.	Sudeep Singh Dhillon	Director, Town & Country Planning, Govt. of Haryana
5.	Jaswant Singh	Retired Public Servant
6.	Atul Bansal	Director, ABW Infrastructure Ltd. & other companies

7.	M/s Aditya Buildwell Pvt. Ltd. (now known as ABW Infrastructure Ltd.)	
8.	M/s Jassum Estates Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
9.	M/s Jassum Tower Pvt. Ltd.(through Director/authorised representative u/s 305 Cr.P.C.)	
10.	M/s Jassum Infrastructure Pvt. Ltd.(through Director/authorised representative u/s 305 Cr.P.C.)	
11.	M/s Beeta Promoters Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
12.	M/s Divya Jyoti Enterprises Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
13.	M/s NCR Properties Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
14.	M/s Indo-Asian Construction Company Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
15.	M/s Dugman Engineers Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
16.	M/s Galaxy Colonizers Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
17.	M/s Mount Valley Estates Pvt. Ltd.(through Director/authorised representative u/s 305 Cr.P.C.)	
18.	M/s Miraz Overseas Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
19.	M/s Yorks Hotels Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
20.	M/s Sheel Buildcon Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
21.	M/s Progressive Buildtech Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
22.	M/s Ecotech Buildcon Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
23.	Anil Kumar Batra	Private Person. Director of M/s Conway Developers Pvt. Ltd. (now known as Frontier Home Developers Pvt. Ltd.) & other associated companies
24.	Naveen Rao	Private Person (Businessman).
25.	Ramesh Chandra	Private Person. Director of M/s Girnar Infrastructure Pvt. Ltd.
26.	M/s Girnar Infrastructure Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	

27.	Gaurav Choudhry	Private Person. Director of M/s Flair Realtors Pvt. Ltd. & other associate companies.
28.	M/s Metropolis Infrastructure Pvt. Ltd.(through Director/authorised representative u/s 305 Cr.P.C.)	
29.	M/s Flair Realtors Pvt. Ltd.(through Director/authorised representative u/s 305 Cr.P.C.)	
30.	M/s Earl Infotech Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
31.	M/s Guru Nanak Infrastructure Pvt. Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
32.	M/s Angelique International Ltd. (through Director/authorised representative u/s 305 Cr.P.C.)	
33.	M/s Conway Developers Pvt. Ltd. (now known as Frontier Home Developers Pvt. Ltd.) (through Director/authorised representative u/s 305 Cr.P.C.)	
34.	Virender Kumar Jain	Private Person

(b) The learned Special Court took cognizance of the offences and summoned the accused to face trial vide order dated 16.03.2018.

(c) Thereafter, three of the accused—namely Murari Lal Tayal, Sudeep Singh Dhillon, and Jaswant Singh—filed applications under Section 239-240 of the Cr.P.C. seeking discharge. Additionally, accused-petitioner Murari Lal Tayal also prayed for summoning of additional accused under Section 193 of the Cr.P.C. Similar prayers for discharge were also made by the other accused persons.

(d) The learned Special Court, vide impugned order dated 01.12.2020 (annexed with the petitions), dismissed all such applications for discharge and proceeded to frame charges against the original accused persons including the present petitioners. Furthermore, the Court summoned the following persons to face trial, as additional accused, for offences under the IPC and PC Act:-

Sr. No.	Name	Designation
1.	Rajeev Arora	Managing Director, HSIIDC
2.	Surjeet Singh	Chief Town Planner, HSIIDC
3.	Dhare Singh	Chief Town Planner, Department of Town & Country Planning (DTCP)
4.	Kulwant Singh Lamba	Deputy Superintendent, DTCP
5.	D.R. Dhingra	Dy. Director, Department of Industries and Commerce

(e) Aggrieved by the dismissal of their discharge applications and the consequent framing of charges, the petitioners have preferred the instant revision petitions assailing the impugned order dated 01.12.2020.

7. **<u>Arguments Raised on Behalf of Petitioner-Murari Lal Tayal (in CRR-439-2021)</u>**

(a) Learned senior counsel for the petitioner submitted that the allegations levelled against the petitioner pertain to actions taken during his tenure while holding additional charge as Principal Secretary, Industries Department. Allegedly the petitioner approved the issuance of a notification under Section 6 of the LAA on 25.08.2005. Drawing attention to the chronology of events as detailed in the petition, it was pointed out that the notification under Section 4 of the LAA had already been issued on 27.08.2004, and the objections under Section 5A of the LAA had been decided on 26.02.2005, all of which took place, prior to the appointment of the petitioner as Principal Secretary to the Chief Minister (CM) on 05.03.2005. The petitioner held the ex-officio charge of Principal Secretary, Department of

Industries, only for a brief period from 03.08.2005 to 09.09.2005. During this tenure, on 24.08.2005, in the normal course of his official duties, the petitioner signed the notification under Section 6 of the LAA and simultaneously disapproved the release of land belonging to one Salil Aggarwal. However, the CM later approved the release of that land, thereby overriding the recommendation of the petitioner. The issuance of the notification under Section 6 of the LAA on 25.08.2005 bore the signatures of the petitioner, acting strictly in his official capacity.

(b) Learned senior counsel further referred to file notings of HSIIDC (Annexure P-4) to demonstrate that on 18.06.2007, HSIIDC, acting independently, resolved to defer the award for land acquisition based on a letter dated 05.10.2005. It was emphasized that the petitioner had no role in this decision. On 20.06.2007, Surjit Singh made an interpolation on the file, referencing a letter from the DTCP received that day, as justification for the deferment; again, the petitioner was not involved in any manner in this interpolation or in the said decision. The petitioner, in his capacity as Chairman of HSIIDC, is alleged to have participated in a meeting of the Board of Directors held on 11.07.2007 where issues relating to the deferment of the award, pending licences, and CLU (Change of Land Use) applications were purportedly discussed. However, a perusal of Annexure P-6 makes it clear that the decision to defer had already been taken on 18.06.2007, and the meeting on 11.07.2007 was merely convened to record and note that decision. The agenda of the meeting explicitly reflects the prior deferment, thereby nullifying the claim of the prosecution, that the petitioner influenced or participated in any deliberations leading to such deferment. The minutes of the meeting (Annexure P-6), further confirm that the Board merely took note of the deferment, and no fresh discussion or decision on the issue took place during the meeting. As Chairman of HSIIDC, the petitioner merely presided over the meeting, and all substantive decisions were taken by the Board itself.

(c) The petitioner, being Principal Secretary to CM, had no independent decision-making authority and acted purely in the capacity of conveying the directions of the CM. In support, learned senior counsel referred to the statement of PW-57, Rajesh Khullar, Principal Secretary to the CM, Haryana (Annexure P-17), to clarify the nature of the role of Principal Secretary—namely Murari Lal Tayal, to assist the CM in decision-making and to faithfully record and convey the decisions of the CM.

(d) Further, the prosecution has also alleged that the petitioner recorded the CM's order dated 17.08.2007 regarding the release of certain lands based on recommendations received from the Department of Industries and HSIIDC however, the petitioner, acting as Principal Secretary, was under a constitutional and administrative duty to record and communicate the decisions of the CM. Merely recording such decisions could not constitute misconduct or an overt act attributable to the petitioner. Even as per own case of the prosecution, the petitioner did not participate in the processes related to acquisition, release of land, or the grant of CLUs/licences.

(e) In addition, the petitioner allegedly conveyed the CM's order dated 24.08.2007, through which the acquisition process was directed to be abandoned. Learned senior counsel, while referring to the Secretariat Instructions (Annexure P-15), reiterated that the Principal Secretary to the CM is expressly tasked with the duty of assisting and conveying the CM's orders as required. The entry dated 24.08.2007 shows that the petitioner did precisely that, without altering or unauthorisedly acting upon the order. The language of the CM's direction (extracted herein below) explicitly stated that due to various issues—including delays, overlapping land parcels, pending litigation, and existing CLU/licence applications—it was inappropriate to proceed with the acquisition in its existing form, and hence a fresh notification should be issued :

> *"CM has observed that this case could have been submitted to government much earlier. The observations of Industries minister at NP-12 are therefore, very relevant. The department owes an explanation. Certain parcels of land have been released by Government on recommendations of Ministers Committee separately. Some of these parcels are included in the land acquisition proceeding under consideration. Further, Town and Country Planning Department has also informed that there several cases of owners having applied for license/CLU, for the lands, which also form part of the acquisition proceeding. Furthermore, in a number of cases the courts have stayed disposition of land. In these circumstances, it is difficult at this stage to firm up a view as to what would be the shape and size of the land eventually being acquired by the government it will not be appropriate to go ahead with these proceedings in the present forms. CM has therefore, ordered that a fresh notification be issued in place of the present proceedings indicating therein as to which are the lands that are available for acquisition without any encumbrances."*

(f) The petitioner, therefore, merely conveyed this directive;

the role of the petitioner was ministerial and did not involve any exercise of discretion or independent judgment.

(g) Learned senior counsel further submitted that the charges framed under the IPC and the PC Act are entirely unsustainable against the petitioner. There is no allegation of personal enrichment, illegal gratification, or any *quid pro quo*—all of which are essential preconditions for offences under the PC Act. The petitioner is not alleged to have induced anyone or to have misrepresented facts to cause delivery of property—a necessary element for the offence of cheating under Section 415 of the IPC. The petitioner was not involved in initiating or approving the Section 4 notification (issued on 27.08.2004), which pre-dates his appointment as Principal Secretary to the CM. Furthermore, the licences and CLUs which are under scrutiny were issued only after the petitioner had superannuated on 31.10.2009.

(h) The prosecution had also failed to present any credible material to establish a conspiracy under Section 120-B of the IPC. There is no evidence, direct or circumstantial, to suggest that the petitioner entered into any agreement, tacit or otherwise, to commit an illegal act.

(i) Furthermore, even though the petitioner had filed a comprehensive discharge application before the learned Special Court, drawing attention to various legal and factual infirmities in the case of the prosecution, which even led to additional accused being summoned under Section 193 of the Cr.P.C., the learned Special Court failed to properly examine the limited role played by the petitioner, or to acknowledge the lack of any culpability on his part. The impugned order at paragraph 67, itself acknowledges that the decision to defer the award was made independently by HSIIDC, yet this finding was not given its due weight. There, therefore, exists no material linking the petitioner to the core allegations forming the basis of the prosecution's case.

(j) Lastly, it was asserted that since the mandatory sanction to prosecute under Section 197 of the Cr.P.C. was not obtained against the petitioner, the entire proceedings against him stood vitiated; in the absence of such sanction, which is a condition precedent for prosecuting a public servant for acts purportedly done in discharge of official duty, the prosecution against the petitioner is rendered legally unsustainable and void *ab initio*.

(k) Learned senior counsel submitted that the learned Special Court even failed to deal with all the grounds raised by the petitioner in his application for discharge while passing the impugned order, therefore, the same cannot be sustained and deserves to be set aside.

(l) In conclusion, learned senior counsel argued that the petitioner has been wrongly implicated due to deliberate misrepresentation of facts by the prosecution and the CBI. His role was confined strictly to discharging his official duties as Principal Secretary to the CM and ex-officio Chairman of HSIIDC, without any element of personal interest, discretion, or criminal intent. Given that there is neither *mens rea* nor any *actus reus* attributable to the petitioner, he is entitled in law to be discharged from the present proceedings.

8. **Arguments Raised on behalf of Petitioner-Sudeep Singh Dhillon (in CRM-M-1919-2021)**

(a) Learned senior counsel appearing for the petitioner submitted that the present petition has been instituted under Section 482 of the Code of Criminal Procedure, 1973, invoking the inherent powers of this Court to prevent abuse of process and secure the ends of justice. It was contended that the scope of the jurisdiction of this Court under Section 482 of the Cr.P.C. is wide enough to permit scrutiny not only of the contents of the FIR and chargesheet but also the surrounding circumstances, including attendant policy frameworks and official protocols. While it is trite that at the stage of framing charges, the threshold is that of a prima facie suspicion, such suspicion must be credible, cogent, and based on reasonable material, rather than flimsy conjecture or surmise. Where an accused is able to demonstrate from the record that even a *prima facie* case is not made out, the Court must exercise its inherent jurisdiction to terminate an unwarranted criminal prosecution.

(b) Learned senior counsel submitted that the case of the prosecution against the petitioner rests upon four principal allegations. However, even assuming these allegations to be factually correct, they do not establish any element of criminality attributable to the petitioner. In particular, the allegation that the petitioner forwarded a file recommending the rejection of a licence application submitted by M/s Aditya Buildwell Pvt. Ltd. (hereinafter referred to as 'M/s ABW') is devoid of any culpable intent. It was submitted that the petitioner was not posted as the Director, Town and Country Planning (DTCP), when the notification of acquisition dated 27.08.2004 was issued by the Industries Department. The petitioner assumed charge only on 14.03.2005, long after the notification had already been issued.

(c) It was further pointed out that the application for grant of licence was submitted by M/s ABW on 28.12.2006 for developing a 190 acre residential plotted colony in Manesar. On 20.03.2007, the application was forwarded to the petitioner by Dhare Singh (PW-27), the then Country Town Planner. Upon examining the matter, the petitioner recorded a file noting dated 02.04.2007 recommending rejection of the application, on the ground that the land was under acquisition by HSIIDC for labour housing. However, in view of the Standing Order dated 08.07.2005 issued under Rules 18 and 19 of the Rules of Business of the Government of Haryana (framed under Article 166 of the Constitution of India) and succeeding policy issued on 19.12.2006, no rejection or grant of licence could be effected without the "prior internal concurrence" of the Minister-in-Charge, who, at the relevant time, was the CM. Accordingly, the petitioner complied with the mandate of policy by forwarding his recommendation to the Financial Commissioner and Principal Secretary, Mrs. Shakuntla Jakhu, who in turn endorsed the recommendation and forwarded the file to the CM.

(d) It was submitted that the file was thus processed strictly in accordance with the Standing Order, which specifically mandates ministerial oversight for all matters concerning the grant or rejection of licences under the Haryana Development and Regulation of Urban Areas Act, 1975. Despite this, the CBI has inconsistently alleged in paragraphs 16.126 and 16.127 of the chargesheet that the petitioner's act of forwarding the file was improper. Learned senior counsel contended that such an allegation is untenable when the petitioner's superior officer, Mrs. Shakuntla Jakhu, not only endorsed the same recommendation but also forwarded it further to the CM. Notably, Mrs. Shakuntla Jakhu has neither been arraigned as an accused nor cited as a prosecution witness.

(e) The record also establishes that the CM did not accept the petitioner's recommendation for rejection and instead directed that the status of the acquisition proceedings be re-examined and the file be re-submitted. The allegation of impropriety in forwarding the file is, therefore, wholly misplaced.

(f) It was further submitted that the CBI, in paragraph 16.68 of the chargesheet, has erroneously interpreted the policy guidelines by asserting that ministerial concurrence was required only for the grant of licences and not for their rejection. This assertion is patently incorrect, as the policy guidelines dated 19.12.2006 clearly mandate prior concurrence of the Minister-in-Charge for both grant and refusal of licence applications. The CBI's selective interpretation of the guidelines is not only legally unsustainable but also indicates a skewed approach.

(g) In respect of the allegation concerning the petitioner's conduct on 07.08.2007—wherein he allegedly returned the file instead of forwarding it to the Government—the record reveals that the CM, through his Additional Principal Secretary, had directed re-examination of the acquisition status and re-submission of the file. The petitioner's file noting dated 07.08.2007 merely sought a field report from the District Town Planner (DTP) and Senior Town Planner (STP), Gurgaon, in order to complete the file before re-submission. This administrative action was in line with the instructions of the Minister-in-Charge and does not reflect any *malafide* intent. It was further submitted that the file was not submitted to the petitioner until 17.06.2009, by which time he had demitted office. In the intervening period, the acquisition proceedings were dropped on 24.08.2007 by the Industries Department.

(h) It was emphatically argued that the allegation that the petitioner ordered any file to be kept pending, or that he processed ineligible licence applications while acquisition proceedings were pending, is wholly unsubstantiated. No file was placed before the petitioner for grant of licence prior to the dropping of the acquisition proceedings, nor did he pass any order to withhold any file. In fact, the chargesheet itself records that PW-27 Dhare Singh placed the file before the petitioner for the first time only on 27.09.2007—after the acquisition had already been dropped.

(i) Learned senior counsel highlighted the internal contradiction in the findings of the learned Special Court. While paragraph 78 of the judgment records that the petitioner did not instruct any officer to keep the file pending, paragraph 80 erroneously concludes that the file was kept pending awaiting government orders.

Moreover, the assertion that acquisition notifications were issued merely to facilitate grant of licences is factually incorrect and unsupported by any material on record. The Department of Town and Country Planning did not issue any such notification. The petitioner's role was confined solely to administrative processing, and all files were processed only after acquisition proceedings were formally withdrawn.

(j) The chargesheet itself acknowledges that once land is no longer under acquisition, licences can be granted. Therefore, the CBI's allegation that applications were ineligible on the ground that land had been purchased after imposition of Section 4 of the LAA, is untenable.

(k) It was further contended that the petitioner has been unfairly singled out for prosecution, whereas similarly placed officers, such as PW-24 D.S. Dhesi, the then Financial Commissioner, who endorsed all licence proposals, and PW-27 Dhare Singh, who recommended grant of licence, were made prosecution witnesses. This selective and discriminatory approach amounts to a pick-and-choose prosecution and constitutes a grave miscarriage of justice. The learned Special Court itself has acknowledged this inconsistency in paragraphs 75 and 76 of the impugned order.

(l) On the allegation that the petitioner was complicit in the deferment of the award announcement, learned senior counsel submitted that there is no material to support any such inference. The decision to defer the award was taken by the HSIIDC on 18.06.2007 and had no nexus with the letter dated 20.06.2007 issued by the Town and Country Planning Department. The learned Special Court in paragraph 73 rightly held that the TCP Department had no role in land acquisition proceedings.

(m) Finally, it was submitted that the entire prosecution is vitiated due to the absence of requisite sanction under Section 197 of the Cr.P.C. Although the CBI sought sanction for prosecution on 20.11.2017, the competent authority declined the same. The matter remained pending and the petitioner retired on 31.12.2017. Thereafter, a detailed note dated 19.01.2018 was prepared by the Office of the Chief Secretary exonerating the petitioner and recording that sanction under Section 197 of the Cr.P.C. was indeed required. The Central Government, in its communication dated 27.02.2018, also confirmed that even though sanction under Section 19 of the PC Act was not required post-retirement, sanction under Section 197 of the Cr.P.C. remained mandatory for offences under the IPC. The conclusion of the learned Special Court that sanction was not required for offences under Sections 120-B and 420 of the IPC is contrary to settled law. The protection under Section 197 of the Cr.P.C. is available even after retirement and is designed to shield public servants from vexatious litigation for acts done in the discharge of official duties. The reliance placed by the learned Special Court on ***Prakash Singh Badal Vs. State of Punjab : 2007(1) RCR (Criminal) 1***, is misplaced, as the law on sanction has evolved through subsequent decisions, including that of ***A. Srinivasulu Vs. State Rep. by the Inspector of Police (Criminal Appeal No.2417 of 2010, decided on 15.06.2023)***.

(n) In view of the above submissions, it was urged that the continuation of criminal proceedings against the petitioner is unwarranted and amounts to an abuse of the process of law, meriting interference by this Court under its inherent jurisdiction.

9. **Arguments Raised on Behalf of Petitioner-Jaswant Singh (in CRM-M-6155-2021)**

(a) Learned senior counsel appearing for the petitioner submitted that the petitioner was serving as District Town Planner (Headquarters), in the Town and Country Planning Department (hereinafter referred to as "TCPD"). It was contended that, as per the administrative hierarchy and statutory framework, the petitioner was neither the competent authority nor a decision-making authority in matters pertaining to acquisition of land. The petitioner held no statutory or administrative function that would empower him to initiate, process or conclude land acquisition proceedings.

(b) It was further pointed out that the learned Special Court, in the impugned order rejecting the discharge application, categorically recorded that the acquisition proceedings in question were under the control and superintendence of the Industries Department and Haryana State Industrial and Infrastructure Development Corporation (HSIIDC), and that TCPD had no substantive role in the same. Consequently, it was urged that the petitioner, being an officer of the TCPD, could not be held accountable for decisions falling outside the purview of his department.

(c) Referring to the allegations in the chargesheet (Annexure P-18), particularly paragraph 16.135, learned senior counsel submitted that the prosecution's reliance on a letter dated 20.06.2007 (No.16131), allegedly written by the petitioner to HSIIDC recommending release of land, is misplaced. It was asserted that the said letter was a routine official communication concerning the development plan of the Gurgaon-Manesar Urban Complex and was issued by the petitioner in his official capacity, under directions from and on behalf of the Director, TCPD. Attention was drawn to Annexure P-16, to support this assertion.

(d) It was still further submitted that allegation that the aforementioned letter led to deferment of the land award scheduled for 20.06.2007 (Annexure P-16) is wholly misconceived. A plain reading of the letter demonstrates that it did not pertain to any specific licence application but merely conveyed a general policy of the Government regarding land purchased prior to issuance of notification under Section 4 of the LAA. The letter simply advised consideration of the said policy while processing applications for grant of licences. It was argued that such a communication, devoid of any operative instruction or direction, cannot be construed to attribute culpability to the petitioner.

(e) Learned senior counsel also submitted that even the learned Special Court held that the letter dated 20.06.2007 could not be treated as the basis for deferment of the land award. In this regard, attention was invited to Annexure P-10, whereby the petitioner, on 12.01.2007, informed HSIIDC that M/s ABW and its associate companies had submitted licence applications. In response, HSIIDC, vide letter dated 19.01.2007 (Annexure P-12), had recommended rejection of the said applications.

(f) Further, reliance was placed on the departmental noting dated 20.03.2007 (Annexure P-14), wherein the petitioner, in concurrence with HSIIDC's recommendation, categorically recommended rejection of M/s ABW's licence application. However, it was submitted that on 18.06.2007 (Annexure P-15), the Chief Town Planner of HSIIDC decided to request the DRO-cum-LAC to defer the award allegedly based on a letter dated 05.10.2005 from the Director, TCPD—a letter which, it was asserted, does not exist on record.

(g) Learned senior counsel still further referred to a communication dated 03.08.2007 (Annexure P-28), wherein TCPD informed the Director, Industries Department, that decisions regarding acquisition of land rested exclusively with the Department of Industries, as the land was being acquired by them. It was also clarified that any decision regarding licence applications would only be taken after the status of land acquisition had been finally determined and recommendations were received from the Department of Industries.

(h) It was vehemently argued that the petitioner had, with due diligence, repeatedly recommended rejection of the licence applications. In particular, reference was made to Annexure P-31, wherein, vide letter dated 06.08.2007, the Deputy Superintendent, Kulwant Singh Lamba, submitted the file to the petitioner, noting that the applicant did not have a clear title to the land and recommending rejection after affording a hearing under Section 3(3)(B) of the Haryana Development and Regulation of Urban Areas Act, 1975. On the same day, the petitioner endorsed the rejection recommendation and directed that a personal hearing be granted and the file placed before the CM for consideration.

(i) Further, the allegation that the petitioner delayed the land award by withholding files was also specifically refuted by the learned counsel. It was submitted that the Deputy Superintendent, Kulwant Singh Lamba, was the actual custodian of the concerned file. The noting dated 09.08.2007 (Annexure P-31) records that the Deputy Superintendent re-submitted the file, noting that revenue documents were under examination. On the same day, the petitioner directed immediate action on all individual files and directed that the CM's order be placed on each file. Thereafter, as also recorded by the learned Special Court, the file was never re-submitted to the petitioner.

(j) Learned senior counsel vehemently submitted that the petitioner has been falsely implicated as a collateral figure in a case fundamentally concerning the Department of Industries and HSIIDC. The learned Special Court, in paragraph 78 of the impugned order, acknowledged the absence of any substantive role of the petitioner in the alleged conspiracy. Nonetheless, the learned Special Court erroneously dismissed the application for discharge by equating the petitioner's role with that of other co-accused such as Dhare Singh, Kulwant Singh Lamba and Sudeep Singh Dhillon, without furnishing any cogent reasons.

(k) Lastly, it was submitted that the chargesheet was filed without complying with the mandatory provisions of amended Section

19 of the PC Act and Section 197 of the Cr.P.C. Despite the absence of prior sanction of the competent authority, the learned Special Court took cognizance vide order dated 16.03.2018, thereby vitiating the proceedings.

10. Arguments Raised on Behalf of Petitioner-Chhatar Singh (CRM-M-6320-2021)

(a) Learned senior counsel for the petitioner submitted that the petitioner was serving as Additional Principal Secretary in the Department of Industries during the relevant period in August, 2007 and retired on 31.03.2013. It was contended that the petitioner's role, as Officiating Principal Secretary, was limited to forwarding files to the CM. He had no independent adjudicatory or policy-making powers, nor was he expected to apply his mind to the merits of the files. His role was administrative in nature.

(b) It was argued that the primary allegation against the petitioner—that he allowed the land acquisition notification to lapse by not ensuring the passing of the award—was unsustainable, as he had no authority to make or delay such decisions. The final decision-making power resided entirely with the CM. The petitioner's responsibility was confined to processing files as Financial Commissioner, Industries, and placing them before the CM.

(c) It was further alleged that following the order dated 24.08.2007, several licences and CLUs were granted to developers. However, the petitioner merely conveyed the CM's approvals. His role as Additional Principal Secretary in the CM's Office was limited to communicating the directions of the CM to the concerned departments. At no stage did he possess the authority to initiate, influence, or alter any governmental decision.

(d) Learned counsel submitted that mere holding of a particular office cannot give rise to a presumption of conspiracy. The actions of the petitioner were in faithful execution of the instructions of the Government. His duties required him to record and communicate the orders of the CM. In this regard, reliance was placed on paragraph 12 of Annexure P-14, which delineates the duties of a Secretary as per the regulatory framework of State of Haryana.

(e) It was further submitted that the petitioner, being a public servant, performed all actions in discharge of his official duties. Attention was invited to Annexure P-12, wherein the petitioner's notings form the sole basis of his implication in the case. It was contended that the protection of Section 197 of the Cr.P.C. squarely applies, as the alleged acts were integrally connected with his official functions.

(f) Learned senior counsel also argued that the chargesheet does not reveal any act of cheating or any intention to cause wrongful gain or loss on the part of the petitioner. The essential ingredients of the offences invoked, particularly Sections 420 and 120-B of the IPC, are not made out. There is no material suggesting any *mens rea* or abuse of official position by the petitioner.

(g) In support of his submissions, learned senior counsel relied on ***Directorate of Enforcement Vs. Bibhu Prasad Acharya : 2025(1)***

SCC 404, wherein the Hon'ble Supreme Court held that the protection under Section 197 of the Cr.P.C. applies where : (a) the offence is committed by a public servant; and (b) the act was committed by a public servant in the discharge of official duty. Reliance was also placed on ***Prof. N.K. Ganguly Vs. CBI : 2016(2) SCC 143 (paras 74, 83, 90)*** and ***Devraj Vs. Owais Sabeer Hussain : 2020(7) SCC 695***, which underscore the test of reasonable nexus between the act and official duty.

(h) Lastly, it was argued that the prosecution is vitiated for want of sanction under Section 19 of the PC Act, which, post 2018 amendment, is a mandatory requirement even in the case of retired public servants. The prosecution of the petitioner without sanction is impermissible in law. In support, reliance was placed on ***State of Punjab Vs. Partap Singh Verka : 2024 INSC 483***, where the Hon'ble Supreme Court reaffirmed the necessity of sanction for prosecution of retired public officials.

11. **Arguments Raised on Behalf of Petitioner-Anil Kumar Batra (in CRR-734-2021)**

(a) Learned senior counsel appearing on behalf of the petitioner submitted that the prosecution has wrongly implicated the petitioner without any material evidence demonstrating his involvement in the alleged conspiracy or wrongdoing. It was contended that the gravamen of the FIR pertains to the allegation that certain developers misused the notification issued under Section 4 of the LAA, to coerce or induce farmers to sell their land under the perceived threat of compulsory acquisition. However, it was categorically asserted that the present petitioner is not alleged to have had any dealings with farmers or landowners, nor is there any suggestion that he was party to any such coercive transaction.

(b) Learned senior counsel submitted that the role of the petitioner is confined to a legitimate commercial transaction involving the acquisition of equity shares in M/s Frontier Home Developers Pvt. Ltd. It was submitted that this acquisition was part of an arm's-length business decision and had no nexus with the land acquisition proceedings. In this regard, reference was made to the sequence of transactions involving various parties.

(c) It was further pointed out that the Seth family had acquired land prior to the issuance of Section 4 notification; the Mittal family, including PW-308 D.K. Mittal, acquired shareholding in the company during the process of acquisition; and the petitioner, Anil Kumar Batra, acquired equity in M/s Frontier Home Developers Pvt. Ltd. during the same period. It was urged that if D.K. Mittal, who acquired shareholding in the same company during the same period, has not been chargesheeted, then there exists no rational basis to implicate the petitioner, who was similarly situated and had no direct or indirect connection with any farmer.

(d) Learned senior counsel further submitted that the petitioner is also a director in Guru Nanak Infrastructures Developers Pvt. Ltd. (accused No.31), but numerous other persons and entities who acquired land after the issuance of Section 4 notification have not been arraigned as accused. It was contended that the petitioner has been selectively and unjustifiably linked with M/s Earl Infotech Private Limited (accused No.30), M/s Guru Nanak Infrastructure Developers Pvt. Ltd. (accused No.31), and M/s Frontier Home Developers Pvt. Ltd. (accused No.33), in the absence of any distinct or incriminating material against him.

(e) The petitioner has been implicated being Director of the accused companies, however, there is no concept of vicarious liability under the IPC, therefore, the impugned order cannot be sustained. Learned senior counsel also drew the attention of this Court to Annexure P-2, which sets out a list of similarly situated persons and companies who have not been made accused despite having acquired land under circumstances identical to that of the petitioner. Yet, the petitioner is shown at Sr. No.4 and has been singled out for prosecution. Further attention was drawn to the same Annexure, where it is recorded that out of 22 individuals who had purchased land after the initiation of acquisition proceedings, only one individual, accused No.24, Naveen Rao, has been named in the chargesheet, while the remaining persons have been left out. Learned senior counsel argued that this selective and discriminatory approach adopted by the CBI reflects a lack of objectivity and fairness in the investigation, and that the prosecution of the petitioner is not only factually and legally untenable, but also violative of the fundamental principles of equality and fair trial.

12. **Arguments Raised on Behalf of the Petitioner- M/s Frontier Home Developers Pvt. Ltd. (in CRR-597-2021)**

(a) Learned senior counsel appearing on behalf of the petitioner company vehemently contended that the entire substratum of the case of the prosecution, as reflected in the chargesheet (Annexure P-2), is based on the allegation that Government officials, private individuals, and certain companies, including the present petitioner entered into a conspiracy to acquire land from poor farmers at depreciated prices after issuance of a notification under Section 4 of the LAA, by misleading them and inducing them to sell the land under threat of impending acquisition, with the knowledge that the acquisition proceedings would ultimately be dropped. As per the case of the prosecution, this was done with an ulterior motive to secure commercial benefits.

(b) However, learned senior counsel for the petitioner drew the attention of this Court to the admitted factual matrix as discernible from the chargesheet, particularly the sequence and timing of the transactions relating to the petitioner company. He submitted that the petitioner had not purchased the subject land from any farmer whatsoever, and more importantly, had acquired the land prior to the issuance of the Section 4 notification under the Act. Therefore, the petitioner could not, by any stretch of imagination, have been a part of the alleged conspiracy to threaten or induce farmers into selling their land at throwaway prices on the basis of a threat of acquisition which did not even exist at that point in time.

(c) Elaborating on the chronology, learned senior counsel submitted that the petitioner company had acquired approximately 9.762 acres of land on 16.08.2004 for a consideration of Rs.5.96 crores. This land was purchased from a company owned by Rahul Seth and Indu Seth-business associates of the petitioner. Subsequently, the shareholding of the petitioner company was transferred by the Seths to D. K. Mittal and his family on 25.03.2005.

(d) It was emphatically submitted that the notification under Section 4 of the LAA was issued by the Government of Haryana only on 27.08.2004, seeking to acquire 912 acres and 7 marlas of land. Hence, the acquisition by the petitioner predates this notification, thereby rendering the foundational basis of the allegations inapplicable to the petitioner.

(e) It was further pointed out that D. K. Mittal, who acquired shareholding in the petitioner company on 25.03.2005, has not been arrayed as an accused, and is in fact cited as a prosecution witness (PW-308) in the chargesheet. Learned senior counsel argued that if acquiring shareholding after the land was purchased but before the alleged conspiracy began is not considered culpable in the case of D. K. Mittal, the petitioner who had acquired the land itself even earlier (prior to the notification), can certainly not be considered part of the alleged conspiracy.

(f) Further, on 09.06.2006, the Mittal family sold their shareholding in the petitioner company to the Batra family for a consideration of Rs.5.96 crores. It was submitted that even on this occasion, the transaction involved mere transfer of shareholdings and not any purchase of land from farmers. As such, there was no privity or interaction with any farmer at any stage in the chain of transactions involving the petitioner. It was contended that when the core allegation in the chargesheet is of coercive acquisition of land from farmers under threat of acquisition, and the petitioner neither dealt with any farmers nor purchased land after the Section 4 notification, the very edifice of the case of the prosecution against the petitioner collapses.

(g) Learned senior counsel also highlighted that neither the original sellers, i.e., the Seths, nor D.K. Mittal—who came into the picture post-purchase—have been named as accused, despite their direct involvement in the land transaction and subsequent shareholding changes. The only transactions that took place post-notification pertain to transfer of shares within corporate entities and not land acquisition from any farmer.

(h) It was the specific submission of the learned senior counsel that the role of the petitioner was limited to inter-company transfer of shares, and not acquisition of land from any individual farmer. Hence, there is no material on record to support the inference of any collusion, inducement or threat, as alleged.

(i) With respect to the licencing and development activities, it was submitted that the petitioner and others had submitted an application on 11.12.2006 seeking licence for a group housing project, which was eventually granted on 07.05.2008. Crucially, the acquisition proceedings were dropped by the Government of Haryana on

24.08.2007, i.e., nearly nine months prior to the grant of licence. Learned senior counsel, while inviting attention to Annexure P-13, (licence No.88 of 2008), submitted that the licencing process was initiated well after the land was acquired and involved no illegality.

(j) Learned senior counsel also referred to Annexure P-25 and submitted that a development agreement was executed between the petitioner and Godrej Properties on 24.06.2010 for development of a group housing project comprising approximately 435 apartments. An occupation certificate for the said project was issued on 16.10.2014 by the Directorate of Town and Country Planning, Haryana (Annexure P-16). The chargesheet, however, proceeds to treat the revenue generated by Godrej Properties pursuant to this development as "illegal gain", attributable to the petitioner. Learned senior counsel strongly disputed this conclusion, pointing out that the construction, marketing, and financial dealings relating to the apartments were handled entirely by Godrej Properties, which received the occupation certificate and collected all fees and payments from the allottees, yet Godrej Properties has not been made an accused.

(k) Drawing specific reference to Annexure P-2 (para 16.101 of the chargesheet), learned senior counsel highlighted the differential and arbitrary treatment meted out to the petitioner. It was submitted that several other entities similarly situated—namely those who had acquired land prior to the issuance of Section 4 notification and who had even applied for licences during the subsistence of acquisition proceedings—have not been chargesheeted. By referring to the comparative table in the chargesheet, learned senior counsel submitted that entities listed at serial No.12, 13, 14 and 15 had purchased land prior to the notification and had similarly applied for licences, yet have not been arraigned as accused. However, the petitioner, despite being identically placed, has been selectively prosecuted, which according to the learned senior counsel, is a clear case of arbitrary and discriminatory application of law.

(l) Additionally, learned senior counsel drew the attention of this Court to para 16.138 of the chargesheet (Annexure P-2), which sets out the core allegations—that builders coerced farmers to sell their land after the Section 4 notification under threat of low compensation. It was submitted that this allegation has no bearing on the case of the petitioner, as the petitioner neither purchased any land from any farmer nor acquired land after the issuance of the Section 4 notification. Rather, the petitioner had only acquired shares of a company through lawful commercial transactions, without any involvement of farmers or coercive conduct. Thus, the case of the petitioner falls entirely outside the scope of the alleged conspiracy.

(m) The learned senior counsel also further relied upon the chargesheet to contend that the CBI has arbitrarily computed the profits earned by Godrej Properties Ltd. (hereinafter referred to as 'Godrej') as “inverted wrongful gain”, attributable to the petitioner, without any legal or factual basis. It was pointed out that the development agreement between the petitioner and Godrej was executed on 24.06.2010, and the entire construction and marketing was undertaken by Godrej; the occupation certificate was also issued in favour of Godrej, construction payments were made by Godrej, and all proceeds from flat buyers were also collected by them. Despite the awareness of the said agreement by the prosecution (as evident from D-103, forming part of the chargesheet), Godrej had not been made an accused. This, according to learned senior counsel, further reinforces the arbitrary nature of the prosecution and underscores the untenable nature of the case against the petitioner.

(n) In conclusion, learned senior counsel submitted that there is a complete absence of any material to support the allegations of conspiracy, coercion, or illegal gain against the petitioner. The entire case of the prosecution is predicated upon a flawed understanding of the role of the petitioner and mischaracterization of legitimate corporate transactions as culpable acts. The selective prosecution of the petitioner, when similarly placed entities have not been arraigned, renders the proceedings discriminatory, arbitrary, and legally unsustainable.

13. **Arguments Raised on Behalf of Petitioner- M/s Guru Nanak Infrastructure Developers Pvt. Ltd. (in CRR-742-2021)**

(a) Learned senior counsel appearing on behalf of the petitioner M/s Guru Nanak Infrastructure Developers Pvt. Ltd. submitted that the petitioner has been erroneously implicated in the present case due to a manifest factual error committed by the investigating agency. It was submitted that the petitioner had legally acquired two parcels of land by way of duly executed and registered sale deeds dated 05.09.2007 and 21.11.2007, measuring 20 kanals and 3.5 marlas, and 5 kanals and 12.5 marlas respectively. The total consideration paid for these transactions amounted to approximately Rs.95 lakhs and Rs.66,79,688/- respectively.

(b) Crucially, learned senior counsel submitted that these purchases were effected after the land acquisition proceedings initiated by the Government of Haryana had been formally dropped on 24.08.2007. In support thereof, reliance was placed on the sale deeds annexed with the petition as Annexures P-4 and P-5, which clearly evidence that the transactions took place subsequent to the closure of the acquisition process.

(c) It was vehemently argued that despite this clear factual position, the CBI, while filing the chargesheet, erroneously recorded the date of purchase as 09.10.2006 in paragraph 16.109. In support, attention of the Court was drawn to Annexure P-2, and it was asserted that thereby a false factual premise had been created to allege that the land was purchased during the subsistence of the acquisition proceedings. Learned counsel submitted that this date is factually incorrect and is contradicted by the own records of the CBI.

(d) To fortify this submission, attention was also drawn to paragraph 16.52 (Sr. No.1 and 2) of the same chargesheet (Annexure P-2), where the correct dates of purchase, i.e. 05.09.2007 and 21.11.2007, are duly recorded by the CBI. It was submitted that this internal inconsistency in the chargesheet demonstrates a clear error on the part of the investigating agency, which has resulted in the unwarranted and unjustified arraignment of the petitioner as an accused.

(e) It was further contended that there is no allegation that the land in question was purchased by the petitioner under any form of coercion, threat, or misuse of the acquisition process. The petitioner, it was urged, had entered into *bonafide* transactions for valuable consideration, after the closure of acquisition proceedings, and thus cannot be imputed with any culpability. The case of the prosecution, to the extent it proceeds against the petitioner, is therefore, premised on an erroneous factual foundation and is liable to be set aside.

14. **Arguments Raised on Behalf of the Respondent-CBI qua Petitioner-Murari Lal Tayal**

(a) **Active and Deliberate Participation in Criminal Conspiracy:** Learned Special Public Prosecutor for the CBI while vehemently opposing the prayer and submissions made by learned counsel opposite, submitted that the petitioner, while serving as Principal Secretary to the CM, Haryana and ex-officio Chairman of HSIIDC, was not merely a passive bureaucrat, but played an active and deliberate role in the criminal conspiracy to derail lawful land acquisition proceedings concerning approximately 912 acres of land in Manesar, Naurangpur, and Lakhanaula.

(a)(i) While drawing the attention of the Court to para 16.109 of the chargesheet (Annexure P-2), learned counsel highlighted the discussions recorded in the 296th board meeting of HSIIDC held on 11.07.2007, which was chaired by the petitioner. The minutes of this meeting explicitly reference the deferment of the award and CLU/licencing issues. Despite the statutory deadline for announcing the award having expired on 26.06.2007, no steps were taken to prevent the acquisition from lapsing. The actions of the petitioner—or deliberate inaction—facilitated the abandonment of the acquisition process, enabling private developers to reap undue financial benefits at the expense of the original land owners.

(b) **The Petitioner Was Not a Mere Conduit—He Misused His Administrative Position to Further an Illegal Scheme**: Learned Special Public Prosecutor for the CBI submitted that the contention of the learned Senior counsel for the petitioner that he merely conveyed the directions of the CM is untenable. On 24.08.2007, the petitioner recorded the instructions of the CM for issuing a fresh notification under Section 4, relying upon an undated, overwritten, and suspicious memo from the Town and Country Planning Department, in which there was neither any diary number nor was it properly authenticated. The petitioner deliberately inserted the phrase "*in view of TCP's letter received today*" as an after-the-fact justification.

(b)(i) Crucially, the letter dated 03.08.2007 by the Town and Country Planning Department had already clarified that the Department of Industries was competent to make the decision. However, the petitioner did not raise any objections and instead facilitated the derailment of acquisition proceedings. His conduct cannot be dismissed as routine administrative action; rather, it demonstrates his active involvement in executing the conspiracy.

(c) **Suppression of Communications From the Land Acquisition Collector, Gurgaon**: Learned Special Public Prosecutor for CBI further submitted that Land Acquisition Collector (LAC), Gurgaon, had issued urgent communications dated 31.05.2007 and 22.08.2007, expressly warning that the acquisition proceedings would lapse unless the award was announced by 24.08.2007. Despite holding the position of Principal Secretary to the CM and ex-officio Chairman of HSIIDC, the petitioner took no steps to ensure the release of compensation or to issue appropriate directions to prevent the acquisition from lapsing. His deliberate inaction, despite statutory warnings, furthered the illegal objectives of the conspiracy.

(d) **Tampering With and Suppression of Critical File Notings**: While drawing the attention of this Court to paragraph 8 of its reply, as well as Annexure P-11 (file movement register), learned Special Public Prosecutor for the CBI drew the attention to the disappearance of a crucial noting dated 24.08.2007, which purportedly recorded the decision of the CM. The movement register confirms that the file was last marked to the office of the petitioner, and notings pertaining to inter-departmental consultations, particularly between the Department of Industries and HSIIDC, are also missing.

(d)(i) This cannot be dismissed as a clerical lapse. The missing notings indicate active tampering with official records to suppress material that clearly pointed towards the active involvement of the petitioner in the conspiracy. Given the position that the petitioner was holding, he had both access to and control over these files, and his role in their suppression cannot be, therefore, ruled out.

(e) **Duty to Exercise Independent Judgment-The Petitioner Was Not Bound to Follow Illegal Directions**: While referring to the testimony of PW-57, Rajesh Khullar, Principal Secretary, learning Special Public Prosecutor submitted that the petitioner, as a senior bureaucrat, was required to assist the CM in the disposal of work, provide inputs for policy formulation, and actively participate in inter-departmental deliberations. The petitioner was under no compulsion or obligation to sign illegal orders merely because they were endorsed by the CM.

(e)(i) His failure to exercise independent judgment and his blind endorsement of tainted instructions reflect active complicity rather than mere obedience to superior orders. A senior officer is expected to uphold the law, not function as a rubber stamp for illegal actions.

(f) **Prior Challenge to Summoning Order Dismissed**: Learned Special Public Prosecutor for the CBI further submitted that the petitioner had previously approached the High Court, challenging the summoning order in the instance case. That petition was dismissed, and no relief was granted. This demonstrated that the petitioner's claims had already been subjected to judicial scrutiny and rejected at the pre-trial stage itself.

(g) **The Petitioner's Direct Role in the Abandonment of Acquisition Proceedings**: Learned Special Public Prosecutor for the CBI, while referring to Annexure P-20 (reply by the CBI in the discharge application of petitioner Murari Lal Tayal), has submitted that it is evident that the petitioner, under his own signature, recorded and communicated the decision of the CM dated 24.08.2007, directing the abandonment of the acquisition proceedings and the issuance of a fresh notification under Section 4 of the LAA. This communication was made on the very last permissible date for the announcement of the award, despite repeated urgent communications from the LAC, urging action to finalize the process.

(g)(i) Instead of ensuring that the award was announced in the public interest, the petitioner implemented the oral directions of the CM without any formal cabinet approval or legal scrutiny, thereby facilitating the conspiracy. The Hon'ble Supreme Court, in ***Rameshwar and others Vs. State of Haryana and others (Civil Appeal No.8788 of 2015)***, while examining this very order, held that the abandonment of acquisition was a colourable exercise of power intended to benefit private parties. The role of the petitioner in executing this direction on the last possible day is deeply incriminating and forms a key part of the conspiracy.

(h) **No Requirement of Sanction Under Section 197 of the Cr.P.C. and Section 19 of the PC Act**: Learned Special Public Prosecutor for the CBI further submitted that the acts of the petitioner did not fall within the protection of Section 197 of the Cr.P.C., as they were not in the discharge of official duty but in breach of it. The petitioner engaged in manipulation of procedures, reliance on unauthenticated records, and disregard of statutory warnings, none of which attract the protection of 197 of the Cr.P.C.

(h)(i) Furthermore, offences under Sections 120-B and 420 of the IPC do not require prior sanction. The Constitution Bench of the Hon'ble Supreme Court in ***K. Satwant Singh Vs. State of Punjab : 1960 AIR 266***, while considering a charge against a public servant, Henderson, who was accused of abetting the main accused in cheating by submitting false reports certifying fraudulent claims, had emphatically held that although certifying claims was part of the official functions of Henderson, his act of falsely certifying claims to aid in cheating could not be construed as being done in the discharge of official duty. Consequently, the provisions of Section 197 of the Cr.P.C. were held to be inapplicable to such offences, notwithstanding the status of Henderson as a public servant. Additionally, since the petitioner retired on 31.10.2009 and the chargesheet was filed on 01.02.2018, sanction under Section 19 of the PC Act was not required.

(i) **Involvement in a Disproportionate Assets Case**: Learned Special Public Prosecutor also submitted that the petitioner is also an accused in FIR No.RCCHG2017A0009, concerning possession of assets disproportionate to his known sources of income. Charges have already been framed in that case, indicating that the present conspiracy was not an isolated incident but part of a broader scheme of corruption.

(j) **Rs.1500 Crore Loss to the Public And Land Owners—Premeditated Scheme**: Learned Special Public Prosecutor further submitted that the conspiracy coerced land owners into selling their land under threat of acquisition at throw away rates of Rs.20 to 25 lakhs per acre, while private developers later sold the same land for Rs.5 to

15 crore per acre. This resulted in an estimated loss of Rs.1500 crore to the land owners and the State. The petitioner, instead of preventing this loss, actively facilitated it.

(k) **Limited Scope of Revision—Sufficient Material For Framing of Charges**: Finally, learned Special Public Prosecutor for the CBI submitted that the learned Special Court, vide order dated 01.12.2020, rightly found a *prima facie* case to proceed to trial. The order of the learned Special Court is well-reasoned and based on material evidence, including file notings, movement registers, testimonies of witnesses, and inter-departmental communications. No perversity or jurisdictional error exists to warrant interference under revisional jurisdiction.

15. **<u>Arguments Raised on Behalf of the Respondent-CBI Qua Petitioner Sudeep Singh Dhillon</u>**

(a) **Repeated Attempts to Evade Proceedings—Abuse of Process of Law**: Per contra, learned Special Public Prosecutor for the CBI has strongly opposed submissions advanced on behalf of the petitioner, contending that this is third attempt by the petitioner to extricate himself from the ongoing legal proceedings after having previously failed to secure relief. It is submitted that the petitioner has, on multiple occasions, sought the relief under different legal guises. Initially, he filed a writ petition, followed by a revision petition, and now, he has approached this Court under Section 482 of the Cr.P.C.

(a)(i) In support, learned Special Public Prosecutor for the CBI has drawn the attention of this Court to CWP No.8788 of 2018, which was withdrawn with liberty to raise all pleas during trial. The order dated 06.04.2018, passed by a Coordinate Bench of this Court substantiates this fact. Subsequently, the petitioner challenged the framing of charges before the Court through CRR No.10 of 2021, which was again withdrawn vide order dated 08.01.2021. Moreover, another application for discharge was moved before the learned Special Court, which was also dismissed. These successive petitions, it is argued, constitute an abuse of the legal process and should not be entertained.

(b) **Sufficient Evidence Against the Petitioner**: While drawing the attention of this Court to the reply, learned Special Public Prosecutor for the CBI has submitted that the investigation yielded sufficient oral and documentary evidence establishing the involvement of the petitioner. Based on this material, a chargesheet was filed before the learned Special Court. The role of the petitioner in the alleged offences is explicitly detailed in paragraphs 16.66,16.67,16.68 of the chargesheet which is as follows:

> *"16.66. Investigation has revealed that the then CTP Sh. Dhare Singh sent the above file to Sh.S.S.Dhillon, the then DTCP for orders on 07.08.2007. Sh. S.S. Dhillon, vide note dated 07.08.2007 sent the file to CTP with observations "Have we got field reports from DTP/STP Gurgaon? If not, get the same by 09.08.2007. While processing the case, "X" above will be mentioned. Ensure resubmission by 09.08.2007". Again on 09.08.2007, Sh. Kulwant Singh submitted the file to Sh. Jaswant Singh mentioning that field reports of all cases have been received. The revenue documents are being examined and thereafter, technical examination matter will be submitted. Sh. Jaswant Singh put up a note on 09.08.2007 that please take immediate action on individual file. The orders of Hon'ble CM needs to be placed on each file reference. On 10.08.2007 Sh. Kulwant Singh Lamba mentioned that the*

action is being taken on the concerned file and the file was marked to the record keeper. After that this file remained silent till 09.01.2009.

16.67. Investigation has further revealed that the Department of Town & Country Planning, Haryana processed the above applications of Aditya Buildwell Pvt. Ltd. for grant of licences, despite the fact that these applications were liable to be rejected as. per the policy/guidelines of the department.

16.68. It is pertinent to mention here that on 02.04.2007, Sh.S.S.Dhillon, the then Director, Town & Country Planning had sent the file of Aditya Buildwell Pvt. Ltd. for rejection to Financial Commissioner Town & Country Planning, which was submitted to the CM, Haryana on 03.04.2007. However, investigation revealed that Director/Director General Town & Country Planning, Haryana is competent to grant/reject the application of licence/CLU. As per standing orders issued by the Government, the internal concurrence of Minister in-charge of the department is required prior to grant of licence. So the Director of the department puts up the file to Minister In-charge through the Administrative Secretary for internal concurrence. The internal concurrence of the Minister In-charge of the department is required only in case the file is submitted for grant of licence. However, in case of rejection of application for licence, there is no need to send the file to Minister concerned and Director is competent to reject the application after grant of hearing to the applicant u/s 3(3)(b) of the 1975 Act."

(b)(i) It was further contended that at the stage of framing of charges, only a *prima facie* case is to be seen. The material collected during investigation clearly demonstrates the active participation of the petitioner along with the other co-accused, justifying the framing of charges against him.

(c) **Active Role in Facilitating an Ineligible Licence—Chronology of Events:** Learned counsel for the CBI has referred to the chargesheet (Annexure P-18) highlighting that the petitioner served as a

DTCP, Haryana, Chandigarh from March, 2005 to June, 2009. During his tenure, he played a pivotal role in processing an ineligible licence application, which is evident from the following sequence of events, as detailed in the chargesheet :

(d) **Initial Recommendation for Rejection**: On 20.03.2007, an application dated 28.12.2006 by ABW for a licence for 190 acres was placed before the petitioner by the CTP, Dhare Singh, who categorically recommended its rejection on the ground that the land was earmarked for acquisition by HSIIDC for labour housing.

(e) **Forwarding of File Despite Authority to Reject** : On 02.04.2007, instead of rejecting the application, an action within his competence, the petitioner instead forwarded the file to the FC, Town & Country Planning, Haryana, reiterating that the land was under acquisition and the application was to be rejected. However, the investigation revealed that the petitioner was not required to send the file/escalate the matter to the CM and had full authority to reject the application himself. This decision raises serious doubts about his intent. In support of this, learned Special Public Prosecutor for the CBI has drawn the attention of this Court to the relevant standing order at Annexure P-6, para 6 which provides as under:-

> *"6. All policy matters relating to approval of draft and final development plans, grant of licenses, establishment of colonies, sanction of colonies, composition of offences, prosecution under Haryana Development and Regulation of Urban Areas Act, 1975"*

(e)(i) It has been asserted that a perusal of the above clearly reveals that nowhere is it mentioned that the rejection of application is also to be referred, rather only grant or approval is to be referred to the higher authority.

(f) **Intervention by the CM and HSIIDC's Clarification** : On 19.07.2007, co-accused Chhatar Singh conveyed the observations of the CM, directing a re-verification of the acquisition status from the HSIIDC before resubmission. HSIIDC, vide its letter dated 01.08.2007, confirmed that the land had been notified under Section 6 of the LAA on 25.08.2005 and had earlier recommended rejection on 12.01.2007, reiterating its stance.

(g) **Fresh Recommendation for Rejection and Subversion by the Petitioner of the Process**: In light of the categorical stand of HSIIDC, both co-accused Jaswant Singh (DTP, HQ) and Dhare Singh (CTP), reaffirmed their recommendation to reject the application. However, when the file was placed before the on 07.08.2007, instead of forwarding it for a final decision, he returned it for the following direction:

> *"Have we got a field report from DTP (G)/STP (G)? If not, get the same by 09.08.2007. While processing the case, 'X' above will be mentioned. Ensure resubmission by 09.08.2007."*

(g)(i) It was argued that this decision was contrary to the recommendations of his subordinates, who had deemed the field reports irrelevant, as the stance of HSIIDC was decisive. The petitioner, instead rejecting the application outright, ensured its delayed processing thereby subverting due process.

(h) **Reliance on judgments of the Hon'ble Supreme Court**

in *Rameshwar and Ors. Vs. State of Haryana and Ors*: Learned Special Public Prosecutor for the CBI placed reliance on **Rameshwar's case (supra)**. It was asserted that the judgment exemplifies “fraud on power”, where Government officials colluded with private builders to manipulate the land acquisition process for private gain. The Hon'ble Supreme Court held that the licences granted after Section 6 notifications were bad in law and that builders had prior knowledge that acquisition would be abandoned, leading to massive financial gains. It was submitted that the present case similarly involves a colourable exercise of power, where Government officials, including the petitioner, manipulated land acquisition, benefitting private developers at the cost of land owners and the public exchequer. The petitioner played a key role in process ineligible application of M/s ABW, contributing to financial gains amounting to approximately Rs.228.28 crores.

(i) **No protection under Section 197 of the Cr.P.C.**: Addressing the necessity of sanction under Section 197 of the Cr.P.C., the counsel for the CBI submitted that the petitioner cannot claim such immunity for commission of offences under Section 420 and 120-B of the IPC as they do not fall within the purview of official duties as has been held by the Constitution Bench of the Hon'ble Supreme Court in ***K. Satwant Singh's case (supra)***. Additionally, since the petitioner superannuated on 31.12.2017, sanction under the PC Act was not required at the time cognizance was taken.

(j) **Correction of Misplaced Observations on Sanction:**

Refuting the reliance placed by the learned senior counsel for the petitioner on observations made at '**T**' in File Noting (Annexure P-16), learned Special Public Prosecutor for the CBI submitted that these were later rectified in file noting dated 15.02.2018 (Annexure P-17), where the officers acknowledged an inadvertent error, stating as under:

> *"As regards, office observation at 'T' on NP/11 ante, the same is not commensurate with the record, which appears to have been submitted inadvertently/due to some misunderstanding, those facts are not correct. Inconvenience is regretted."*

(k) ***Quid pro quo* not essential under Section 13(1)(d) of the PC Act:** Finally, the argument regarding absence of a direct quid pro quo is misplaced, as Section 13(1)(d) of the PC Act criminalizes abuse of position for pecuniary advantage, irrespective of direct exchange. Reliance was placed upon ***Neera Yadavv CBI: (2017) 8 SCC 757; Madhu Koda Vs State 2020:DHC:1966***, which reaffirmed that an illegal benefit to another suffices to establish culpability under the provision.

16. **<u>Arguments Raised on Behalf of the Respondent-CBI Qua Petitioner Chhatar Singh</u>**

(a) Learned Special Public Prosecutor for the CBI, while strongly opposing the submissions and prayer advanced by the learned senior counsel for the petitioner made the following contentions:

(a)(i) That the material gathered by the investigating agency clearly establishes that the petitioner played an active and integral role in the entire occurrence. This is detailed in paragraph 16.133 of the chargesheet, which reads as follows:-

"16.133. Investigation further revealed that Sh. Chhatar Singh, IAS (A-3) was posted as Addl. Principal Secretary to CM during 2007 to November 2009 and later he served as Principal Secretary to CM during 2.11.2009 to 30.08.2013. The files of department of Town & Country Planning were put up before the CM through him. He was also the In-charge Principal Secretary of Industries Department in August 2007. It is pertinent to note that the land was being acquired for HSIIDC by the Industries Department and land acquisition was deliberately allowed to lapse during the aforesaid month. The file dealing with the application dated 28.12.2006 submitted by M/s Aditya Build Well Pvt. Limited (Now known as M/s ABW infrastructure Ltd.) relating to grant of licence in 190 acres was submitted by the then Financial Commissioner, Town & Country Planning on 02.4.2007 with recommendations of the department that the land is being acquired by Haryana State Industrial Infrastructure Development Corporation (HSIIDC) for labour housing, so the application for grant of licence is proposed to be rejected as the above land was acquired after notification for acquisition under Sec. 4 of LAA. However, Sh. Chhatar Singh kept the file pending for more than 3 months which facilitated the obtaining of licence. On 19.07.2007, Sh. Chhatar Singh, Additional PS to CM conveyed the order of the then CM Haryana. that "CM has ordered that the position regarding land acquisition be again ascertained from HSIIDC and file re-submitted accordingly". In another related development, another builder, Sh. Naveen Rao and others gave a representation dated 12.6.2007 to CM for the release of land from acquisition on the ground that they had already applied for grant of licence for Group Housing Complex. This application was also liable to be rejected as this land was also acquired after notification under Sec.4 of LAA. Instead of rejecting the above application, the decision to allow the acquisition process to lapse was taken on 24.8.2007 i.e. the deadline for announcement of award. At that time, Sh. Chhatar Singh was the In-charge PS. Department of Industries. Investigation revealed that the grounds for allowing the land acquisition process to lapse were not justified and the misuse of official position for causing wrongful gain to the private builders is revealed during investigation. The officials of Department of Industries and HSIIDC had reminded Sh. Chhatar Singh time and again regarding the final orders to be received from Government, as the date of announcement of award (within two years date of notification under of Sec. 6'of LAA) was fast approaching. Still, he did not take up the matter of the department in right earnest and allowed the land acquisition to lapse.

> *Investigation further revealed that after the above order dated 24.8.2007, total 15 licences and 04 CLU (Change of land use) were granted to private builders, out of which six licences were granted to ABW and one licence each was granted to M/s Conway Developers Private Limited, Mis Subros Limited, M/s Innovative Infra Developers Private Limited, M/s Unitech Limited, Mis Karma Lake Land Private Limited. M/s Sh. Naveen Rao, M/s R.P. Estate Private Limited. M/s Guru Nanak Infrastructure Developer Private Limited and M/s Sunshine Telecom Private Limited. Sh. Chhatter Singh had conveyed the orders of the CM for grant of licences/CLU on each file."*

(a)(ii) That at the stage of framing charges, the Court is only required to determine whether a *prima facie* case is made out against the accused. At this stage, the Court cannot consider the defence of the accused, nor can it examine any documents submitted by him. In the present case, the investigating agency has collected substantial and cogent material implicating the petitioner, which not only establishes a *prima facie* case but goes well beyond it. Therefore, the learned Special Court was justified in framing charges against the petitioner.

(a)(iii) Addressing the necessity of sanction under Section 197 of the Cr.P.C., learned Special Public Prosecutor for the CBI submitted that the petitioner cannot claim such immunity for commission of offences under Section 420 and 120-B of the IPC as they do not fall within the purview of official duties as has been held by the Constitution Bench of the Hon'ble Supreme Court in ***K. Satwant Singh's case (supra)***.

(a)(iv) That any act committed by a public servant, which is merely camouflaged as an official act, but is in fact undertaken for his personal benefit or gratification, would disentitle him from claiming the protection under Section 197 of the Cr.P.C.

(a)(v) That in the instant case, the petitioner had sold the land allotted to him, measuring 308 sq. mtr., in October 2010, for a consideration of Rs.1.5 crores to Alka Gupta, wife of Rajan Gupta, both of whom were Directors in M/s ABW. Subsequently, Alka Gupta resold the same land for Rs.70 lakhs, thereby incurring a substantial loss of Rs.80 lakhs in the transaction. The considerable financial loss suffered by Alka Gupta in the resale of the property clearly indicates that the sale was a mere sham transaction, orchestrated to disguise the illegal monetary benefit conferred upon the petitioner at the behest of Atul Bansal, who was the principal beneficiary of this fraudulent scheme.

(a)(vi) While drawing the attention of this Court to Annexure P-4, learned Special Public Prosecutor submitted that most crucially, M/s ABW had applied for a Change of Land Use (CLU) licences during the period 2007 to 2009. The petitioner, despite being in a position of authority, deliberately withheld the said file for over three months, thereby facilitating the grant of licences to M/s ABW in an illegal and unauthorized manner, in violation of the prescribed legal procedures. The only logical inference that can be drawn from these facts, namely, the deliberate delay in processing the file of M/s ABW and the subsequent sale of the land allotted by the petitioner, in favour of Alka Gupta, is that the petitioner had acted in furtherance of a quid pro quo arrangement with co-accused Atul Bansal, from whom he derived an unlawful pecuniary advantage.

(a)(vii) That since the impugned acts of the petitioner were motivated solely by personal gain and had no nexus with the discharge of his official duties, he cannot claim the protection of Section 197 of the Cr.P.C.

(b) Accordingly, the present petition was devoid of merit and was liable to be dismissed.

17. **Arguments Raised on Behalf of the Respondent-CBI Qua Petitioner Jaswant Singh**

(a) Per contra, learned Special Public Prosecutor for the CBI opposed the prayer and submissions made by learned senior counsel for the petitioner and submitted as follows :-

(a)(i) It was contended that the present petition is a veiled attempt to pre-empt judicial scrutiny and thwart the regular course of criminal trial. Though the petition is framed as a challenge to the framing of charges, it essentially amounts to an anticipatory defence that ought to be tested during the course of trial before the learned Special Court.

(a)(ii) Learned Special Public Prosecutor for the CBI maintained that the petitioner played an active and enabling role in the larger conspiracy concerning subversion of the land acquisition process in Manesar. His conduct, as detailed in the chargesheet, particularly in paragraphs 16.61, 16.69 to 16.73, 16.86, and 16.88, establishes *prima facie* involvement in criminal misconduct and conspiracy to benefit private developers at the expense of public interest.

(a)(iii) It was submitted that the omissions on the part of the petitioner were not merely administrative delays but were calculated and deliberate acts that facilitated the grant of licences to otherwise ineligible entities.

(a)(iv) The acquisition proceedings commenced with the notifications under Sections 4 and 6 of the LAA, on 27.08.2004 and 25.08.2005 respectively. Notwithstanding these proceedings, the petitioner paralyzed the acquisition process by administrative manipulation, including issuance of letter No.16131 dated 20.06.2007 requesting deferment of the award.

(a)(v) It was further alleged that after receipt of a directive from the CM on 19.07.2007 to ascertain the status of the licence applications, the petitioner to act expeditiously, had merely marked the file to a clerk on 08.08.2007. This omission contributed to the lapse of the acquisition notification under Section 6 on 24.08.2007, whereupon private developers, including M/s ABW, filed fresh applications that were favourably processed.

(a)(vi) Learned Special Public Prosecutor for the CBI further argued that the petitioner's failure to summarily reject the licence application, despite being legally empowered to do so, and his selective forwarding and suppression of material communications, facilitated the grant of licences in furtherance of a fraudulent design.

(a)(vii) The conduct of the petitioner before and after lapse of the acquisition notification, it was submitted, is relevant under Section 8 of the Indian Evidence Act, as it reflects motive, preparation in a continuing conspiracy.

(a)(viii) It was finally contended that the material on record, including findings in the impugned order (paras 67, 78 and 80), clearly demonstrate the enabling conduct of the petitioner and sufficiently established a *prima facie* case warranting framing of charges under Sections 120-B, 420 of the IPC and 13(2) and 13(1)(d) of the PC Act.

18. **Arguments Raised on Behalf of the Respondent-CBI Qua Petitioner Anil Kumar Batra**

(a) Learned Special Public Prosecutor for the CBI submitted that the role of petitioner Anil Kumar Batra in the fraudulent scheme is not incidental but central and determinative. It was contended that the petitioner, in close concert with his family members-who held collective directorial control over M/s Conway Developers Pvt. Ltd., M/s Earl Infotech Pvt. Ltd., M/s Guru Nanak Infrastructure Developers Pvt. Ltd.—strategically orchestrated a sequence of transactions specifically tailored to circumvent the statutory bar on post-notification acquisitions. It was pointed out that the petitioner acquired control over M/s Conway Developers Pvt. Ltd. only on 05.05.2006, i.e. almost two years after the issuance of the Section 4 notification dated 27.08.2004, rendering the company ineligible for the grant of licence as per memo No.716/2006/2TCP dated 19.12.2006. Notwithstanding this ineligibility, a licence was granted to M/s Conway Developers Pvt. Ltd. on 07.05.2008 for a group housing project. Similarly, land acquired by M/s Earl Infotech Pvt. Ltd. between January and July 2007—during the subsistence of acquisition proceedings—was subsequently transferred to another group company, M/s Guru Nanak Infrastructure Developers

Pvt. Ltd., which was granted licence No.66 dated 26.08.2010.

(b) These transactions, it was argued, were neither independent nor *bonafide* but formed part of an internal, coordinated manoeuvre to falsely project compliance with regulatory norms and disassociate the purchases from the bar on post-notification acquisitions. The actions of the petitioner reveal a consistent pattern of calculated misrepresentation, orchestrated through a network of entities under his control, to secure unlawful advantages in active collusion with public officials.

(c) It was, therefore, submitted that based on oral and documentary evidence, including registered sale deeds, company records, and internal departmental communications, the CBI has rightly arraigned the petitioner and the companies controlled by him as accused persons. It was further submitted that the petitioner has been arraigned as an accused in his personal capacity for his direct participation in commission of the offences and it was not a case where he had been implicated by merely invoking the principle of vicarious liability. In the aforesaid facts and circumstances, the learned Special Court, vide its order dated 01.12.2020, has correctly found that a *prima facie* case is made out against the petitioner under Sections 420 and 120-B of the IPC and Sections 13(2) read with Section 13(1)(d) of the PC Act.

19. **Arguments Raised on Behalf of the Respondent-CBI Qua Petitioner M/s Frontier Home Developers Pvt. Ltd.**

(a) Learned Special Public Prosecutor for the CBI, while opposing the submissions advanced on behalf of the petitioner, submitted that the facts emerging from the record do not indicate a mere procedural irregularity or inadvertent error, but rather reveal a deliberate and systemic subversion of the statutory framework governing land acquisition and urban development. Learned Special Public Prosecutor for the CBI contended that the acts under scrutiny represent a carefully orchestrated conspiracy between a consortium of private entities and certain public functionaries, aimed at frustrating the statutory objectives underlying the Act, and deriving unlawful gains under the Haryana Development and Regulation of Urban Areas Act, 1975.

(b) Learned Special Public Prosecutor submitted that the issuance of licence No.88 dated 07.05.2008, in favour of M/s Conway Developers Pvt. Ltd. (now known as Frontier Home Developers Pvt. Ltd.), based on an application dated 11.12.2006, cannot be viewed in isolation as an administrative decision. Rather, it is the culmination of a calculated scheme designed to illegitimately avail benefits under the Urban Development Regulatory Regime, while simultaneously circumventing statutory restrictions arising from Land Acquisition Notifications.

(c) The Special Public Prosecutor for the CBI further elaborated the following in support of its position:-

(c)(i) **Fraudulent Grant of Licence Post-Notification**: Learned Special Public Prosecutor for the CBI drew the attention of this Court to sale deed dated 16.08.2004 (Annexure P-4) to demonstrate that M/s

Conway Developers Pvt. Ltd., then under the control of Rahul Seth and Indu Seth, had acquired the subject land through registered sale deeds dated 16.08.2004, subsequent to the issuance of the notification under Section 7 of the LAA, dated 27.08.2004. The company subsequently changed hands twice-first on 25.03.2005, and again on 05.05.2006, when it came under the control of petitioner Anil Kumar Batra and his associates, for a consideration of Rs.5.96 crores.

(c)(i)(i) It was further contended that the licence application dated 11.12.2006 was squarely hit by the stipulations contained in memo No.7/16/2006-2CP dated 19.12.2006, which clearly mandated that only entities having ownership of land prior to the notification under Section 4 of the LAA would be eligible for consideration. Nevertheless, in blatant disregard of the said instructions, the licence was granted on 07.05.2008. The chargesheet filed in the matter reveals that the said application contained material misrepresentations regarding both the ownership of land and the eligibility of the applicant, facts that emerged during the course of investigation.

(c)(ii) **Unified Conspiracy and Common Control of Entities:** Learned Special Public Prosecutor further submitted that the petitioner companies, M/s Conway Developers Pvt. Ltd. (accused No.33), M/s Earl Infotech Pvt. Ltd. (accused No.30), and M/s Guru Nanak Infrastructure Developers Pvt. Ltd. (accused No.31)—did not function as independent and unrelated entities. As per the communication received from the Bank of India, these companies were integrally connected through common directors, namely Anil Kumar Batra, Sunil

Kumar Batra, Tarsem Lal Batra, Sonu Batra, and Neelam Batra.

(c)(ii)(i) Learned Special Public Prosecutor further submitted that a series of land transactions were undertaken in the names of these companies, after the issuance of the acquisition notification, in a manner that created an illusion of independent commercial activity. However, such activity was, in reality, a facade designed to obfuscate the commonality of control and conceal the true nature of the conspiracy. It was further submitted that these transactions were part of a larger scheme aimed at securing regulatory approvals through misrepresentation and misleading disclosures.

(c)(ii)(ii) Referring to the chargesheet (Annexure P-2), learned Special Public Prosecutor submitted that the transfer of land from M/s Earl Infotech to M/s Guru Nanak Infrastructure Developers Pvt. Ltd. was not a genuine third party commercial transaction. Rather, it was an internal restructuring manoeuvre between companies under the same management. Learned Special Public Prosecutor still further pointed out that M/s Earl Infotech, which had earlier filed CRR-799-2021, subsequently withdrew the said petition, amounting to an implicit admission that the land in question had been acquired during the subsistence of acquisition proceedings.

(c)(ii)(iiii) The objective behind such simulated transfers was to conceal the true chain of ownership and shield the transactions from legal scrutiny by giving them the semblance of arms-length market operations. In this context, reliance was placed on the judgment of Hon'ble the Supreme Court in ***Rameshwar's case (supra)***, where similar attempts to bypass acquisition proceedings through interlinked transfers were held to be fraudulent and *malafide*.

(c)(iii) **Objections Overridden Without Justification**: Learned Special Public Prosecutor for CBI further submitted that internal notings of the concerned department, annexed with the chargesheet, unequivocally reflect that objections were raised during the processing of the licence application regarding the eligibility of the applicant. However, these objections were summarily and arbitrarily disregarded by the officials who were colluding with the petitioners and other builders without any cogent justification or recorded reasoning, in direct violation of the standards prescribed in memo No.5/30-2007/2TCP dated 26.10.2007. Learned Special Public Prosecutor contended that the licence granted on 07.05.2008, particularly after the award dated 24.08.2007, was not only irregular but devoid of any statutory or public purpose rationale.

(c)(iv) **Rebuttal of the Contentions of the Petitioners**: Addressing the argument raised by the learned senior counsel for the petitioners that the non-prosecution of earlier directors, such as Rahul Seth and the Mittals, renders the prosecution discriminatory, learned Special Public Prosecutor for the CBI submitted that the said contention is wholly misconceived. It was argued that mere purchase of land post-notification does not, in itself, constitute an offence. Rather, what attracts criminal liability is the act of securing licences through misrepresentation and fraudulent concealment, in active collusion with public officials.

(d) While drawing the attention of the Court to paras 16.31 and 16.32 of the chargesheet (Annexure P-2), learned senior counsel for the petitioner submitted that various entities that had similarly purchased land after the issuance of the Section 4 notification have not been prosecuted. However, the Special Public Prosecutor for CBI clarified that only those entities—such as the petitioners—who subsequently obtained licences through fraudulent means, have been prosecuted. While further drawing the attention of this Court to para 16.101 of the chargesheet (Annexure P-2), it was further contended that it is clearly recorded that several other applications for licence were rejected, highlighting the undue favour and selective treatment accorded to the petitioners.

(e) Learned Special Public Prosecutor further submitted that the reliance placed by the petitioners on a subsequent development agreement dated 24.06.2010 with the Godrej (Annexure P-15), is entirely misplaced. The said agreement, was executed well after the grant of the impugned licence, cannot retrospectively sanitize or validate a process that was vitiated by fraud from the outset. Reliance was again placed on ***Rameshwar's case (Supra)*** to argue that subsequent engagements with third parties do not cure the illegality of a tainted transaction at its inception.

(f) Learned Special Public Prosecutor for CBI urged that the sequence of events, namely, the purchase of land after the issuance of the Section 4 Notification dated 27.08.2004, the decision to drop acquisition on 24.08.2007, and the grant of licence on 07.05.2008-

unequivocally indicate a planned and premeditated scheme. The internal departmental notes reveal a sudden and inexplicable shift in tone, clearly suggesting that extraneous influences were brought to bear upon the decision-making process. It was argued that the decision to abandon acquisition was not based on any legal infirmity or objective necessity, but was the outcome of deliberate manipulation intended to pave the way for the licensure of ineligible holdings.

(g) The transfer of land by M/s Earl Infotech to M/s Guru Nanak Infrastructure Developers Pvt. Ltd. was also highlighted as having been made in contravention of Government instructions prohibiting transfers post notification. While referring to chargesheet, learned Special Public Prosecutor submitted that the investigation revealed overlapping directors and shareholders, thereby nullifying the claim of corporate independence. It was argued that this transaction, while cloaked in formal legality, was in substance a mechanism to launder ownership and artificially manufacture eligibility, in complete defiance of statutory norms.

20. Arguments Raised on Behalf of the Respondent-CBI Qua Petitioner M/s Guru Nanak Infrastructure Developers Pvt. Ltd.

(a) Per contra, learned Special Public Prosecutor for the CBI while opposing the prayer and submissions made by the learned senior counsel for the petitioner, argued the following :

(a)(i) **Corporate Structure and Familial Control**: It is submitted that M/s Guru Nanak Infrastructure Developers Pvt. Ltd.

(Accused-31) was promoted and controlled by Anil Kumar Batra (Accused-23) and his family members—namely Tarsem Lal Batra, Satish Kumar Batra, and Sunil Kumar Batra. These individuals are also the promoters behind M/s Conway Developers Pvt. Ltd. (now Frontier Home Developers Pvt. Ltd.) and M/s Earl Infotech Pvt. Ltd., demonstrating a common pattern of utilizing multiple corporate vehicles to acquire land post-Section 4 notifications and obtain CLUs/licences through deceptive collaboration agreements and inter-company transfers.

(a)(ii) **Land Acquisition by Sister Concern Post Notification**: M/s Earl Infotech Pvt. Ltd.—a sister concern of M/s Guru Nanak Infrastructure Developers Pvt. Ltd.—purchased land measuring 3 acres, 1 kanal, and 16 marlas in Village Naurangpur during January–February and July 2007, for approximately Rs.65 lakhs per acre. The said purchase was clearly in violation of the 2006 policy, as it occurred almost three years after the issuance of the Section 4 notification (27.08.2004) and nearly two years after the Section 6 notification (25.08.2005). The post-notification acquisition renders the land statutorily ineligible for any licence under the applicable regulatory framework.

(a)(iii) **Inter-Company Transfer to Circumvent Policy Restrictions**: The land purchased by Earl Infotech was subsequently transferred to M/s Guru Nanak Infrastructure Developers Pvt. Ltd. through Sale Deed No. 11910 dated 05.09.2007 and Sale Deed No. 17114 dated 21.11.2007 for a total consideration of Rs.3,06,37,501/-.

Notably, both transfers occurred after 24.08.2007—the date on which the acquisition process was fraudulently abandoned—indicating a strategic inter-company transfer designed to convert otherwise ineligible land into licence-eligible parcels.

(a)(iv) **Concession of Ineligibility by Sister Concern**: It was further submitted that in CRR 799 of 2021, M/s Earl Infotech Pvt. Ltd. withdrew their petition after conceding that their land acquisition was post-notification. This is a direct admission of illegality and by necessary implication vitiates any claim of eligibility or lawful entitlement that M/s Guru Nanak Infrastructure Developers Pvt. Ltd. could assert, being a direct beneficiary of such post-notification acquisitions.

(a)(v) **Reliance on the Collaboration Agreement with Metropolis Infrastructure**: The petitioner—M/s Guru Nanak Infrastructure Developers Pvt. Ltd. applied for Licence No.LC-1816 for 5.08 acres based on a collaboration agreement with M/s Metropolis Infrastructure Pvt. Ltd. (Annexure P-7). As per the application, the land held by both entities was pooled to apply for CLU/licence. This included the land purchased by Metropolis through sale deed dated 09.10.2006—also post-Section 4 notification—which was specifically referenced in Annexure P-7. Thus, the Petitioner's denial of reliance on post-notification land is contradicted by the record itself.

(a)(vi) **False Claims Regarding Land Ownership and Application Basis**: In CRR 742 of 2021, M/s Guru Nanak Infrastructure Developers Pvt. Ltd. initially claimed that it only relied on two sale deeds dated 05.09.2007 and 21.11.2007. However, a conjoint reading of the application and the collaboration agreement reveals reliance on the 09.10.2006 sale deed executed between Ram Chander and Metropolis Infrastructure. Therefore, the attempt to disassociate from post-notification purchases is not tenable in light of their own documents.

(a)(vii) **Ineligibility Under the 2006 Policy**: The 2006 policy governing grant of CLU/licences categorically required that land must be owned prior to the issuance of the Section 4 notification. M/s Guru Nanak Infrastructure Developers Pvt. Ltd. was incorporated on 01.05.2006, i.e., nearly two years after the notification. Both sale deeds relied upon by them are dated 2007. Thus, on the face of the record, the petitioner was statutorily barred from obtaining any CLU or development licence.

(a)(viii) **The Hon'ble Supreme Court's Findings on M/s Guru Nanak Infrastructure Developers Pvt. Ltd.'s Role**: It was vehemently contended that the Hon'ble Supreme Court, in its judgment relating to fraudulent abandonment of land acquisition in Manesar, explicitly named M/s Guru Nanak Infrastructure Developers Pvt. Ltd. as one of the parties who fraudulently benefited from the scheme of illegal withdrawal. The Court held that the grant of licence was procured through collusion and fraud, and directed Godrej (as successor in interest to the licence) to pay Rs.67.36 crores to HSIIDC for the benefit derived from such illegal transactions.

(a)(ix) **Attempt to Justify Post-Notification Transactions via**

Collaboration Invalid: The petitioner argued that pooling of land under a collaboration agreement overrides individual ownership dates. This submission is completely contrary to settled legal principles. In ***Rameshwar's case (supra)***, the Hon'ble Supreme Court held that development agreements or collaborations during the "suspect period" (i.e., post-notification but pre-withdrawal) are themselves evidence of manipulation and cannot be used to bypass the prohibition under the 2006 policy.

(a)(x) **Earl Infotech's Withdrawal Has Legal Consequences**: The withdrawal of CRR 799 of 2021 by Earl Infotech based on an express admission that the land was post-notification is binding and has the effect of nullifying any right or benefit claimed by M/s Guru Nanak Infrastructure Developers Pvt. Ltd. on the basis of the same land. The Petitioner cannot be permitted to profit from a land transaction which has been judicially admitted to be statutorily void for the purposes of licence.

(a)(xi) **Fraudulent Misrepresentation to Town & Country Planning Department**: The grant of Licence LC-1816 to M/s Guru Nanak Infrastructure Developers Pvt. Ltd. was obtained by deliberately suppressing the fact of post-notification acquisitions and misrepresenting eligibility under the 2006 Policy. This was facilitated by collusion with officials in the TCP Department and is the subject matter of criminal investigation for offences under the Prevention of Corruption Act and IPC.

(b) In view of the above, it was submitted that the grant of

Licence LC-1816 to M/s Guru Nanak Infrastructure Developers Pvt. Ltd. was obtained through fraudulent means, suppression of material facts, and in clear violation of the 2006 Policy and statutory provisions. The entire structure—from land acquisition by Earl Infotech to the collaboration agreement with Metropolis Infrastructure—was designed to obfuscate ineligibility and circumvent policy restrictions. The same constitutes prima facie evidence of conspiracy, fraud, and abuse of process, warranting criminal prosecution and rejection of any relief sought in the present proceedings.

21. **Rebuttal on Behalf of Petitioner Sudeep Singh Dhillon**

(a) Learned senior counsel for the petitioner, while drawing the attention of this Court to the order dated 28.02.2025, passed by this Court, submitted that the CBI has, till date, failed to comply with the directions contained therein. It was pointed out that neither has the CBI filed any affidavit as required, nor has it furnished a copy of the draft sanction, save for merely forwarding a covering letter, thereby, according to the learned senior counsel, reinforcing the *malafides* of the CBI in the present proceedings.

(b) Learned senior counsel further submitted that the CBI has conspicuously failed to respond to the queries raised by this Court in its order dated 28.02.2025. Specifically, the CBI has offered no explanation as to how it purported to distinguish between the culpability of different officers, despite the admitted fact that all such officers had dealt with the same file under consideration. It was contended that the CBI also failed to clarify why a separate group of officers, who had similarly dealt with as many as six cases relating to grant of licences, including three cases pertaining to M/s ABW, were nevertheless treated as prosecution witnesses, despite having handled the same category of transactions.

(c) Further, adverting to file notings annexed as Annexure P-17, learned senior counsel submitted that in December, 2017, pursuant to a reference made by the CBI itself, the office of the Chief Secretary had carried out a detailed and thorough analysis of the allegations made against the petitioner in connection with the grant of licences, specifically in the context of sanction for prosecution. It was submitted that after following due procedure and obtaining necessary delegations, the office of the Chief Secretary had recommended the rejection of the request for sanction for prosecution. However, it was pointed out that no final decision was taken by the CM until the retirement of the petitioner. Learned senior counsel particularly emphasised that the Chief Secretary had recorded specific findings exonerating the petitioner in his communication dated 23.12.2017.

(d) Learned senior counsel further rebutted the argument by the CBI that eight licences were granted during the pendency of acquisition proceedings. It was submitted that the record clearly reflects that the Industries Department had dropped the acquisition proceedings as early as 24.08.2007, and the grant of licences took place after the said date. This fact, it was submitted, finds corroboration in paragraph 16.115 of the chargesheet as well as paragraph 2 of the rectified fresh affidavit filed by the CBI on 15.06.2017 in Civil Appeal No.8788 of 2015, wherein the CBI had candidly apologised and conceded that all the licences in question were granted after the dropping of the acquisition proceedings.

(e) Responding to another argument advanced by the CBI, namely, that the award of land was deferred on account of a letter issued by the DTCP dated 20.06.2007, learned senior counsel drew the attention of this Court to the impugned order (Annexure P-1) passed by the learned Special Court. It was submitted that the learned Special Court had categorically considered and rejected this contention, thereby undermining the stand of the CBI on this aspect.

(f) Additionally, referring to document D-10, learned senior counsel submitted that the reliance by the CBI upon a letter dated 30.10.2006 concerning acquisition of land in Sonepat is wholly misplaced and irrelevant to the present case, and no cogent reason has been provided by the CBI to establish its relevance.

(g) The learned senior counsel further rebutted the allegation of the CBI that the petitioner, by virtue of attending the Board of Directors meeting of HSIIDC on 11.07.2007, had knowledge of the deferment of the land award, which had been scheduled for 26.06.2007. It was submitted that a perusal of the agenda note for the said board meeting within (D), reveals that there was no discussion whatsoever regarding the deferment of the award. Thus, the assertion by the CBI is a clear fabrication. In this regard, reliance was also placed on the observations of the learned Special Court in paragraph 73 of the impugned order (Annexure P-2), wherein it was categorically held that the decision leading to the lapse of acquisition proceedings was attributable to the functionaries of two departments, namely the Department of Industries and HSIIDC. In support of the submission, the learned senior counsel placed reliance upon the letter dated 03.08.2007.

(h) Finally, rebutting the contention of the CBI that the DTCP was independently competent to reject applications for grant of licences and that there was no necessity to refer the matter to the (Chief Town Planner) or the CM, learned senior counsel invited the attention of this Court to Policy issued by the Government dated 19.12.2006. It was submitted that as per the said Government Policy, the grant or refusal of licences was required to be made only after obtaining prior internal concurrence at the level of the Minister. In support of this submission, learned senior counsel placed reliance upon paragraph 16.127 of the chargesheet.

22. **<u>Rebuttal on Behalf of Petitioner Jaswant Singh</u>**

(a) In response, learned senior counsel for the petitioner, reiterated that the petitioner was neither the final decision-making authority nor empowered to approve release of land or determine the outcome of acquisition proceedings. It was emphasized that the petitioner had, with due diligence, on at least two occasions (vide notings dated 20.03.2007 and 06.08.2007), recommended rejection of the licence applications, and referred the matter to the CM, Haryana for further directions.

(b) It was also argued that the decision to defer the award had already been taken on 18.06.2007 by the Chief Town Planner, HSIIDC and, therefore, the letter of the petitioner dated 20.06.2007 could not be construed as the cause of such deferment. Moreover, the existence of the letter dated 05.10.2005, relied upon by CTP-HSIIDC as the basis for the deferment, was itself found unsubstantiated by the learned Special Court.

(c) Learned senior counsel for the petitioner further contended that despite favourable findings recorded in his favour in the impugned order (Annexure P-3), the learned Special Court erroneously treated him on the same footing as other accused persons without assigning reasons. It was reiterated that the petitioner had duly acted on the file on 06.08.2007 and 09.08.2007, recommending rejection of licence applications, and the file was never resubmitted to him thereafter. Thus, the allegations of procedural manipulation or administrative connivance are wholly unfounded and contrary to the record.

23. **Rebuttal on Behalf of Petitioner Anil Kumar Batra**

(a) Learned senior counsel submitted that the entire foundation of the case of the CBI against the petitioner rests on his role as a director in M/s Frontier Home Developers Pvt. Ltd., Earl Infotech Pvt. Ltd., and M/s Guru Nanak Infrastructure Developers Pvt. Ltd. However, it was submitted that such an approach is legally unsustainable. It was argued that there is no concept of vicarious liability in criminal law unless expressly provided by statute, and that corporate entities are distinct legal persons under the law.

(b) It was submitted that the CBI has not attributed any specific criminal act to the petitioner in his personal capacity. Rather, the land in question was purchased by the companies in question, and not by the petitioner individually. Therefore, the petitioner cannot be held personally liable for the alleged acts of the companies merely by virtue of holding a directorial position.

(c) Learned senior counsel further submitted that several other similarly placed individuals and companies, involved in comparable transactions, have not been made accused in the present case. The petitioner, therefore, is being selectively prosecuted without any rational basis, which amounts to discrimination and arbitrariness.

24. **Rebuttal on Behalf of Petitioner-M/s Frontier Home Developers Pvt. Ltd.**

(a) While further referring again to Annexure P-6, learned senior counsel submitted that the core allegations in the chargesheet revolve around an alleged conspiracy between certain public servants and private builders, wherein farmers were purportedly coerced into selling their lands at undervalued prices on the threat of acquisition. However, it was pointed out that the petitioner had no role in such transactions. The shareholding of the petitioner company had merely changed hands through legitimate commercial transactions : initially acquired by Rahul Seth and Indu Seth on 16.08.2004, then transferred to the Mittal family on 25.03.2005, and finally sold to the Batra family on 09.06.2006. It was argued that these shareholder-level transfers involved no sale of land or coercive activity, and hence cannot be imputed as part of the alleged conspiracy.

(b) Learned senior counsel further submitted that the premise of the allegations in the chargesheet does not relate to the act of applying for a licence or the grant thereof. Therefore, the entire edifice of prosecution against the petitioner is misplaced.

(c) In response to the reliance placed by the CBI on the observations of the Hon'ble Supreme Court in ***Rameshwar's case (supra)***, learned senior counsel submitted that the facts of the said civil proceedings are materially distinguishable and have no relevance to the issues in the present criminal proceedings. It was further pointed out that the Apex Court had itself clarified that its observations in the said judgment were confined to the civil context and would have no bearing on any pending or contemplated criminal proceedings.

25. **Rebuttal on Behalf of Petitioner-M/s Guru Nanak Infrastructure Developers Pvt. Ltd.**

(a) Learned senior counsel appearing for the petitioner submitted that the reliance placed by the learned Special Public Prosecutor for the CBI on the withdrawal of the petition by Earl Infotech Pvt. Ltd. to suggest that the present petition must also be withdrawn is wholly misconceived and factually erroneous. It was submitted that the two petitions pertain to distinct and independent land parcels, and the subject matter of the present petition is not identical to that involved in the petition filed by Earl Infotech.

(b) Attention was invited to Annexure P-4, wherein it is clearly demonstrated that the present petitioner had purchased two separate land parcels measuring 20 kanals and 3.5 marlas, and 5 kanals and 12.5 marlas, respectively, subsequent to the dropping of land acquisition proceedings on 27.08.2004. In contrast, the land owned by Metropolis Infrastructure Pvt. Ltd., which has been referred to by the CBI, comprises a distinct parcel measuring 3 kanals and 9 marlas, purchased much later on 09.08.2006. Learned senior counsel categorically submitted that the present petitioner has no connection whatsoever with the said transaction involving Metropolis Infrastructure.

(c) In support of the above submission, reference was further made to Annexure P-6, particularly to the sale deed dated 09.10.2006, which explicitly records that the purchaser in that transaction was Metropolis Infrastructure, and not the present petitioner. Learned senior counsel further drew attention to document D-480 of chargesheet (Annexure P-2), to point out that the only linkage between the petitioner and Metropolis is by way of a collaboration agreement dated 27.11.2007, which was executed after the land acquisition proceedings had been dropped. It was contended that such a collaboration agreement, executed in the ordinary cause of commercial dealings and after the cessation of acquisition proceedings, cannot be construed to give rise to any criminal culpability on the part of the petitioner.

(d) It was also further submitted that Godrej Properties Ltd., which is similarly situated, had also entered into a collaboration agreement with M/s Frontier Home Developers Pvt. Ltd. on 24.06.2010, i.e., subsequent to the dropping of acquisition proceedings.

However, no criminal proceedings have been initiated against Godrej. Thus, the prosecution of the present petitioner, despite being identically placed, is arbitrary and discriminatory.

(e) Learned senior counsel further submitted that the petitioner had purchased land from Earl Infotech Pvt. Ltd. only after the acquisition proceedings were dropped, and subsequently applied for a licence on 30.11.2007. It was argued that such post-acquisition commercial transactions cannot be treated as evidence of wrongdoing, particularly when other similarly situated entities have not been arrayed as accused by the CBI. Reliance was placed on para 16.109 of the chargesheet (Annexure P-2) to draw a parallel with M/s Frontier Home Developers Pvt. Ltd., which had also engaged in post-acquisition transactions without attracting criminal prosecution.

Findings of the Court

26. I have heard learned counsel for the parties and perused the relevant material on record.

27. The petitioners have invoked the revisional as well as inherent jurisdiction of this Court to challenge the order dated 01.12.2020 passed by the learned Special Court, vide which the discharge applications filed by the petitioners were dismissed and the learned Special Court instead proceeded to frame charges against them under various provisions of the IPC and PC Act.

28. It is imperative to delineate the contours of the revisional jurisdiction exercised by this Court. The Hon'ble Supreme Court in

Munna Devi Vs. State of Rajasthan and another : 2001 (9) SCC 631 held as under:-

> *"We find substance in the submission made on behalf of the appellant. The revision power under the Code of Criminal procedure cannot be exercised in a routine and casual manner. While exercising such powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the First Information Report even if they are taken at the face value and accepted in their entirety do not constitute the offence for which the accused has been charged. This Court in Kanti Bhadra Saha & Anr. v. State of West Bengal [2000 (1) SCC 722] has held that there is no legal requirement for the trial court to write a reasoned or lengthy order for framing the charges."*

29. Similarly, it would be pertinent to refer to the scope of inherent powers of this Court under Section 482 of the Cr.P.C. as observed by the Hon'ble Supreme Court in ***Central Bureau of Investigation Vs. Aryan Singh Etc. : 2023 INSC 338***, as under :

> *"4.1 From the impugned common judgment and order passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned Trial Court on conclusion of trial. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr.P.C., the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution / investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution / investigating agency. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the*

investigation against the accused, at this stage. At the stage of discharge and/or while exercising the powers under Section 482 Cr.P.C., the Court has a very limited jurisdiction and is required to consider "whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not".

4.2 One another reason pointed by the High Court is that the initiation of the criminal proceedings / proceedings is malicious. At this stage, it is required to be noted that the investigation was handed over to the CBI pursuant to the directions issued by the High Court. That thereafter, on conclusion of the investigation, the accused persons have been chargesheeted. Therefore, the High Court has erred in observing at this stage that the initiation of the criminal proceedings / proceedings is malicious. Whether the criminal proceedings was/were malicious or not, is not required to be considered at this stage. The same is required to be considered at the conclusion of the trial. In any case, at this stage, what is required to be considered is a prima facie case and the material collected during the course of the investigation, which warranted the accused to be tried."

30. The jurisprudence pertaining to the framing of charges and discharge is well settled. The twin stages of discharge and framing of charges serve as the gateway to the trial process. These stages embody an essential judicial filtering mechanism, ensuring that the machinery of criminal prosecution is not set in motion without foundational material justifying such a course. The Cr.P.C., while procedural in nature, embeds substantive safeguards to prevent abuse of the process and to strike a balance between societal interest in prosecuting crime and the individual's right against unwarranted trial. The underlying jurisprudential objective is to ensure that the accused is not exposed to the rigours of a criminal trial unless there exists a legally tenable basis for doing so.

31. The decision to discharge an accused rests on a limited but meaningful scrutiny of the case record. At this stage, the Court does not conduct a detailed examination of evidence or assess credibility. The objective is not to weigh the material as would be done during trial, but to evaluate whether the case of the prosecution, taken at face value, discloses any factual or legal basis for continuing the prosecution.

32. The material to be considered includes the chargesheet, statements of witnesses recorded under Section 161 of the Cr.P.C./180 of BNSS, medical or forensic reports, and any other documents/evidence collected during investigation. This collection of material forms the "record of the case" contemplated in Section 227 of the Cr.P.C./250 of BNSS.

33. The Court is called upon to apply its judicial mind to the question whether, assuming the evidence of the prosecution to be true in its entirety, the case presents a factual scenario in which the accused could possibly have committed the alleged offence. If the answer is in the negative—because the allegations are vague, inherently improbable, or do not disclose the ingredients of the offence—the Court must discharge the accused, by giving cogent reasons for doing so.

34. The standard for framing of charges, on the other hand, is lower than that required at the stage of conviction. It connotes a strong or grave suspicion that the accused may have committed the offence. The suspicion must arise from the materials on record and must relate to the essential elements of the offences alleged to have been committed.

35. At this juncture, the Court is not required to satisfy itself about the likelihood of conviction; it merely assesses whether the circumstances, if unrebutted, could sustain a conviction. It is precisely because at this preliminary stage, Courts have repeatedly emphasized that a mini-trial or detailed evidentiary analysis is wholly inappropriate.

36. The framing of a charge, therefore, is not a declaration of guilt but an act to initiate the trial based on a *prima facie* judicial determination.

37. Therefore, the law relating to discharge and framing of charges reflects a carefully calibrated balance. It ensures that the prosecution does not proceed in the absence of a foundational case, while also preventing premature termination of proceedings where a strong suspicion exists. The standard of "grave suspicion" is appropriately positioned between mere conjecture and actual proof, preserving the right to a fair trial without burdening the accused with unjustified litigation.

38. This regime, as evolved through various judicial pronouncements, underscores the central principle of criminal justice: not every allegation deserves a trial, but every serious suspicion merits judicial examination. The Courts, through their prudence and restraint at this stage, act as constitutional sentinels guarding against both prosecutorial overreach and judicial abdication. The Hon'ble Supreme Court in ***State of NCT of Delhi Vs. Shiv Charan Bansal and others : 2020(2) SCC 290***, has emphasized as under:-

> *"32. FINDINGS AND ANALYSIS At the stage of framing charges under S.227 and S.228 Cr.P.C, the Court is*

required to consider whether there was sufficient material on record to frame charges against Shiv Charan Bansal, Shailendra Singh, Lalit Mann and Rajbir Singh. The prosecution alleged that the offences u/S. 120B, S.302 r.w. S.120B/34, S.201 IPC and S.25 of the Arms Act ought to have been framed.

I. Scope of Section 227 and 228 of the Cr.P.C.

The Court while considering the question of framing charges under Section 227 of the Cr.P.C has the power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case has been made out against the accused. The test to determine prima facie case would depend upon the facts of each case.

If the material placed before the court discloses grave suspicion against the accused, which has not been properly explained, the court will be fully justified in framing charges and proceeding with the trial. The probative value of the evidence brought on record cannot be gone into at the stage of framing charges. The Court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the ingredients constituting the alleged offence. At this stage, there cannot be a roving enquiry into the pros and cons of the matter, the evidence is not to be weighed as if a trial is being conducted. Reliance is placed on the Judgment of this Court in State of Bihar v. Ramesh Singh1 where it has been held that at the stage of framing charges under Sections 227 or 228 of the Cr.P.C., if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused had committed the offence, then the Court should proceed with the trial. (1977) 4 SCC 39.

In a recent Judgment delivered in Dipakbhai Jagdishchandra Patel v. State of Gujarat and Another 2 in Crl. Appeal No. 714 of 2019 decided on 24.04.2019, this Court has laid down the law relating to framing of charges and discharge, and held that all that is required is that the court must be satisfied with the material available, that a case is made out for the accused to stand trial. A strong suspicion is sufficient for framing charges, which must be founded on some material. The material must be such which can be translated into evidence at the stage of trial. The veracity and effect of the evidence which the prosecutor proposes to adduce are not to be meticulously judged at this stage, nor is any weight to be attached to the probable defence of the accused at the stage of framing charges. The court is not to consider whether there is *sufficient ground for conviction of the accused, or whether the trial is sure to end in the conviction.....”*

39. Similarly, in ***Captain Manjit Singh Virdi (Retd.) Vs. Hussain Mohammed Shattaf and others : 2023 INSC 555***, the Hon'ble Supreme Court has held as under:-

“12. The law on the point has been summarised in a recent judgment of this Court in State of Rajasthan v. Ashok Kumar Kashyap. Relevant paras are extracted below: -

“11.1. In P. Vijayan v. State of Kerala, (2010) 2 SCC 398, this Court had an occasion to consider Section 227 CrPC What is required to be considered at the time of framing of the charge and/or considering the discharge application has been considered elaborately in the said decision. It is observed and held that at the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. It is observed that in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him. It is further observed that if the Judge comes to a conclusion that there is sufficient ground to proceed, he will frame a charge under Section 228 CrPC, if not, he will discharge the accused. It is further observed that while exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

11.2. In the recent decision of this Court in State of Karnataka v. M.R. Hiremath, (2019) 7 SCC 515, one of us (D.Y. Chandrachud, J.) speaking for the Bench has observed and held in para 25 as under:

“25. The High Court [M.R. Hiremath v. State, 2017 SCC OnLine Kar 4970] ought to have been cognizant of the fact that the trial court was dealing with an application for discharge under the provisions of Section 239 CrPC. The parameters which govern the exercise of this jurisdiction have found expression in several decisions of this Court. It is a settled principle of law that at the stage of considering

> *an application for discharge the court must proceed on the assumption that the material which has been brought on the record by the prosecution is true and evaluate the material in order to determine whether the facts emerging from the material, taken on its face value, disclose the existence of the ingredients necessary to constitute the offence. In State of T.N. v. N. Suresh Rajan, (2014) 11 SCC 709, Criminal Appeal No. 1399 of 2023 adverting to the earlier decisions on the subject, this Court held:*
>
> *'29. … At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage."'*

40. Furthermore, in ***Ashish Chadha Vs. Asha Kumari and another : AIR 2012 Supreme Court 431***, the Apex Court held as under:-

> *"13. The High Court has in its revisional jurisdiction appraised the evidence which it could not have done. It is the trial court which has to decide whether evidence on record is sufficient to make out a prima facie case against the accused so as to frame charge against him. Pertinently, even the trial court cannot conduct roving and fishing inquiry into the evidence. It has only to consider whether evidence collected by the prosecution discloses prima facie case against the accused or not....."*

41. Adverting to the present case, the case of the prosecution as delineated in the police report, is that subsequent to the issuance of a notification under Section 4 of the LAA, certain private builders and dealers purchased land from farmers at meagre prices under the threat

of acquisition by the Government. While the notification of land acquisition was still subsisting and the award was yet to be announced, these builders/dealers applied for licences/change of land use (CLU) in the DTCP, Haryana. The CBI has alleged that despite the ineligibility of the builders/dealers for licences as per rules and the land being under acquisition, officials of DTCP in collusion with the builders kept their applications pending. Concurrently, officials of the Department of Industries, HSIIDC, and the then CM, along with his Principal Secretary (PS), allegedly permitted the notification for land acquisition to lapse by deferring the announcement of the award.

42. Subsequently, once the acquisition lapsed, the officials of the DTCP processed the applications, which were kept pending by them, and allegedly granted licences to the builders/dealers in a hurried manner, despite their ineligibility as per rules. The CBI has specifically alleged that the announcement of the award, which was to be announced by 24.08.2007, was intentionally deferred, and the land acquisition notification was permitted to lapse.

43. The CBI has further contended that the sequence of events reveals a systematic approach pursuant to a well-planned conspiracy between the private builders and government officials, including the then CM. The involvement of officials from the Department of Industries, HSIIDC, DTCP as well as the CM's office, has been highlighted in the police report.

Role of Individual Petitioners As Per the Police Report

Petitioner Murari Lal Tayal (CRR-439-2021)

44. Upon a perusal of the impugned order, it emerges that petitioner Murari Lal Tayal, was serving as the Principal Secretary to the CM and concurrently held the charge of Principal Secretary, Department of Industries as well as Chairman, HSIIDC during the period relevant to the present proceedings.

45. The prosecution, in the police report filed under Section 173 of the Cr.P.C., has alleged that in his capacity as Chairman of HSIIDC, the petitioner convened and presided over a meeting of the Board of Directors of HSIIDC held on 11.07.2007. According to the minutes of the said meeting, the issue of deferring the announcement of the award was deliberated upon, particularly in view of the pending CLU applications. Furthermore, it has been alleged that the petitioner, by virtue of his position as Principal Secretary to the CM, conveyed the decision of the CM to abandon the award and initiate fresh acquisition proceedings vide order dated 24.08.2007.

46. This act of abandoning the award is asserted to be a facet of a premeditated conspiracy, allegedly aimed at facilitating the acquisition of land from farmers at meagre rates, followed by its release from acquisition and subsequent grant of licences to private developers, who, as per the prosecution, were not even eligible under the prevailing norms. It was also noted by the learned Special Court that following the said order dated 24.08.2007, which was signed by the petitioner, as many as 15 licences and 3 CLUs were issued in relation to the land in

question.

47. Learned senior counsel for the petitioner strenuously argued that the petitioner was merely discharging an administrative function as Principal Secretary to the CM. It was submitted that the petitioner merely transmitted the decision of the CM, and had no independent role or discretion in the formulation of the said decision. In support of this submission, reliance was placed on the statement of PW-57, Rajesh Khullar (Annexure P-17), which purportedly describes the procedural norms followed while placing files before the CM.

48. This Court, however, finds no merit in the submission advanced on behalf of the petitioner. At the very outset, it must be reiterated that at the stage of framing of charges, the defence of the accused is not to be appreciated or weighed. The Court is only required to determine whether there exists a *prima facie* case on the basis of the material gathered during investigation.

49. Secondly, a careful examination of the statement of PW-57, Rajesh Khullar, reveals that the role of the petitioner, as Principal Secretary to the CM, extended beyond a mere mechanical communication of orders. The relevant portion of the deposition of PW-57, Rajesh Khullar, is extracted hereinunder for ready reference :

> *"Q-2. What is the procedure followed for taking orders of the Chief Minister, Govt. Of Haryana on any file/matter?*
>
> *Ans: There is no formally prescribed procedure in this regard. However, based on practical experience, various steps are to read the file, call for more information wherever necessary, weigh the options available, present them to the CM whether telephonically or in person, hold discussions with him wherever necessary and record his orders faithfully. The relative time spent on these steps*

> *could vary from case to case depending upon the importance and urgency of the case. If any order is to be passed by the Chief Minister in disagreement with the Minister/Head of the Department of the State Government, then the rules/guidelines relating to the concerned matter and all the pros and cons are brought to the notice of the CM by the Principal Secretary."*

50. From the above, it is evident that the role of the Principal Secretary encompasses the responsibility of actively engaging with the matter under consideration, including eliciting relevant facts, exploring available alternatives, and presenting the same to the CM for an informed decision. Further perusal of the statement of PW-57 (response to Q-5) also makes it clear that if the staff officer does not wish to record CM's order, then in such event the CM may record his own directive. In the present case, however, the order abandoning the award was signed by the petitioner himself.

51. In such circumstances, the question as to whether the petitioner merely acted as a scribe or had a more substantial role in the formulation and communication of the said decision, is a matter that requires adjudication during trial. Additionally, it would be incumbent upon the learned Special Court to assess, in light of evidence led, whether the petitioner discharged his duty by adequately apprising the CM of all relevant considerations, or whether he failed to do so, and whether he aided in the alleged conspiracy or not. Such determinations, however, fall outside the scope of consideration at the stage of framing charges.

52. Reliance was also placed by the learned Special Public

Prosecutor for the CBI on the judgment of the Hon'ble Supreme Court in ***Rameshwar's case (supra),*** wherein it was held that to act on an unlawful direction *per se* is equally unlawful. Therefore, a public servant cannot plead fidelity to any legal instruction as defence.

53. While the legal principle enunciated in the above judgment is indeed relevant, this Court refrains from making any conclusive observations on this aspect, as it would be more appropriate for the learned Special Court to examine such contentions on the basis of evidence adduced during the course of trial.

54. Further, the learned Special Public Prosecutor for the CBI drew the attention of this Court to the FIR registered for alleged accumulation of disproportionate assets by the petitioner and his family during the relevant period. It was contended that prior to the commencement of the check period from 01.01.2006 to 31.12.2014, the petitioner and his family held no immovable assets and had movable assets worth Rs.32,04,920/-. At the end of the check period, however, the value of immovable assets reportedly soared to Rs.17,64,19,526/-, while movable assets increased to Rs.9,82,49,407/-. The learned Special Public Prosecutor for the CBI submitted that this abnormal increase in wealth substantiates the case of prosecution that the petitioner was an active participant and a beneficiary of the conspiracy surrounding the abandonment of the land acquisition process. Although learned senior counsel for the petitioner denied these allegations and claimed false implication, this Court would refrain from delving into these assertions at this stage, as they are to be tested by the learned

Special Court after appreciation of the evidence brought on record.

55. It was also brought to the notice of this Court that the petitioner had previously filed a petition seeking quashing of the FIR as well as the summoning order dated 16.03.2018, being CRM-M-54637-2018. However, the said petition was dismissed by this Court vide detailed judgment dated 22.01.2019, thereby lending credence to the existence of a *prima facie* case against the petitioner.

56. An additional contention raised by the learned senior counsel for the petitioner was that all grounds raised in his application for discharge were not adequately addressed by the learned Special Court. In this regard, it would be pertinent to reiterate that at the stage of framing charges, the Special Court is not required to undertake a detailed evaluation of the defence or to provide elaborate reasoning for the order framing charges. The law is well settled that the Trial Court need not meticulously address each argument raised by the accused at this preliminary stage.

57. In this context, reliance may be placed on the judgement of the Hon'ble Supreme Court in ***Bhavna Bai Vs. Ghanshyam and others*****,** ***: 2020(2) SCC 217***, wherein it was held that at the stage of framing of charge, the Court is not required to record elaborate reasons. It is sufficient if the Court is satisfied that a *prima facie* case exists.

58. The Court, therefore, finds no illegality or perversity in the impugned order qua the petitioner Murari Lal Tayal warranting interference. The contentions of the petitioner, including those regarding his alleged limited role, and the purported failure of the

learned Special Court to consider certain grounds, do not merit acceptance at this stage.

Petitioner Chhatar Singh (CRM-M-6320-2021)

59. The petitioner, Chhatar Singh, served as the Additional Principal Secretary to the CM between the years 2007 and 2009, and was subsequently elevated to the post of Principal Secretary to the CM. In addition, during the relevant period of August 2007, he was holding the concurrent charge of Principal Secretary, Department of Industries.

60. According to the case put forth by the prosecution, the petitioner is alleged to have deliberately facilitated the lapse of the land acquisition process in August 2007 in furtherance of an illegal design. The alleged files pertaining to licence applications from the Town and Country Planning Department were routed to the CM through the petitioner and were dealt with by him, including the application dated 28.12.2006 submitted by M/s ABW, seeking grant of a licence in respect of land measuring 190 acres.

61. The said file, accompanied by departmental recommendations, was submitted to the petitioner on 02.04.2007 by the then Financial Commissioner, Town and Country Planning. The department had proposed rejection of the licence application on the ground that the subject land was under acquisition for labour housing purposes, and the acquisition process had already been initiated under section 4 of the LAA. Despite the express recommendation for rejection, the petitioner is alleged to have withheld the file for over three and a half months without taking any decision, thereby paving the

way for the grant of the licence in favour of M/s ABW in an illegal manner.

62. It is further the case of the prosecution that pursuant to the order dated 24.08.2007, by which the land acquisition process was allowed to lapse, 15 licences and 03 CLU permissions were granted to various private developers/builders. It has been specifically alleged that in each of these cases, the petitioner had conveyed the approval of the CM for grant of licence or CLU, thereby directly facilitating the benefits extended to the developers.

63. Moreover, the prosecution has relied upon the communication dated 19.07.2007, wherein the petitioner conveyed that "*the Chief Minister has ordered that the position regarding land acquisition be again ascertained from HSIIDC and file re-submitted accordingly.*". Thereafter, both the Department of Industries and HSIIDC sent repeated reminders to the petitioner, seeking final instructions in view of the imminent deadline for the announcement of the award, which was fixed for 24.08.2007. However, the petitioner is alleged to have deliberately withheld any further action, thereby ensuring that the acquisition proceedings were not completed within time and ultimately lapsed. Significantly, the file was reportedly received back in the office of the CM only after the acquisition had lapsed, following which licences were granted to M/s ABW and other builders on their previously pending applications.

64. The prosecution also placed reliance on the fact that during this period, the petitioner, being the Principal Secretary of the

Department of Industries, was well aware of the repeated reminders issued by the District Revenue Officer-cum-Land Acquisition Collector (DRO-cum-LAC) to HSIIDC and the Department of Industries, seeking release of a sum of Rs.282.26 crores for announcement of the land acquisition award. Despite this, neither the HSIIDC nor the Department of Industries responded, and only a paltry sum of Rs.5 crores was initially allotted. As per the prosecution, this insufficient allotment effectively stalled the process of award, as the award could not have been announced without adequate funds, thereby lending credence to the allegation that the lapse of the acquisition process was intentional.

65. The prosecution also further alleged a *quid pro quo* by drawing attention to a property transaction involving the petitioner. Allegedly a residential plot measuring 308 square meters, originally allotted to the petitioner by HUDA in 1985, was sold by him in October 2010 to one Alka Gupta, wife of Ranjan Gupta, both directors of M/s BNB Constructions Private Limited, a group company of M/s ABW, for a consideration of Rs.1.5 crores. Subsequently, the said plot was sold by Alka Gupta for Rs.70 lakhs, indicating a significant financial loss of Rs.80 lakhs. The Special Public Prosecutor for the CBI contended that this disparity in sale price was clearly indicative of an undue favour extended to the petitioner as a reward for facilitating the grant of licences to the entities connected with the said transaction.

66. In the light of the foregoing, this Court finds that the allegations levelled against the petitioner are supported by material sufficient to establish a *prima facie* case. The contention that the

petitioner was merely conveying the instructions of the CM, without exercising any independent discretion, is not persuasive at this stage. Such a plea, being in the nature of a defence, cannot be adjudicated upon at the stage of discharge and must await evaluation during trial upon the appreciation of evidence.

Petitioner Sudeep Singh Dhillon (CRM-M-1919-2021)

67. The petitioner, Sudeep Singh Dhillon, served as the Director of the Department of Town and Country Planning, Haryana, during the period from March 2005 to June 2009. The allegations against the petitioner arise from his purported role in irregularities concerning the grant of licences to various private developers, including M/s ABW.

68. As per the case of the prosecution against the petitioner, the then Chief Town Planner, Dhare Singh (co-accused), had recommended the rejection of licence application submitted by M/s ABW. The rejection was advised on the ground that the subject land had already been notified under Section 4 of the LAA and was under acquisition by HSIIDC for labour housing. Despite this recommendation, allegedly the petitioner, instead of exercising his statutory authority to reject the application outright, merely forwarded it to the Financial Commissioner with the same recommendation, thereby avoiding taking definitive action himself.

69. As per the prosecution's case under Section 3(3)(b) of the Haryana Development and Regulation of Urban Areas Act, 1975, the Director is statutorily empowered to reject applications for grant of

licence that do not conform to the prescribed norms. Therefore, the failure of the petitioner to reject the application as per the prosecution was allegedly a deliberate dereliction of duty, to keep the application pending.

70. Furthermore, on 19.07.2007, the then CM directed the petitioner to obtain the comments of HSIIDC and resubmit the file. However, instead of complying with this specific directive, the petitioner recorded a note on the file stating : "*Have we got field report from DTP(G)/STP(G)? If not, get the same by 09.08.2007...Ensure resubmission by 09.08.2007.*". The Special Public Prosecutor for CBI asserted that this note was a tactical move intended to delay action, particularly as prior communications from HSIIDC dated 01.08.2007 and 12.01.2007 had already recommended rejection of the licence applications.

71. Allegedly, the petitioner facilitated the continued processing of several applications for grant of licences, including the one filed by M/s ABW, which were *prima facie* ineligible under the applicable rules. Following the direction by the petitioner dated 07.08.2007, these applications were processed but were deliberately held in abeyance pending the anticipated abandonment of land acquisition proceedings.

72. Furthermore, learned Special Public Prosecutor for the CBI also alleged that it was based on communication from the Department of Town and Country Planning, headed by the petitioner, that the LAC was requested by HSIIDC to defer the passing of the award concerning

the acquisition. The implication of the same was that the actions of the petitioner actively contributed to delaying the award, thereby enabling ineligible developers to secure licences once the acquisition was formally abandoned.

73. Further complicity was attributed to the petitioner on account of the department, during his tenure as director, allegedly granting licences to several private developers—including M/s ABW, M/s Conway Developers Pvt. Ltd., and Guru Nanak Infrastructure Developers Pvt. Ltd.—immediately after the process of acquisition was withdrawn, despite their non-compliance with the licencing norms.

74. It was argued by the learned senior counsel for the petitioner that the petitioner was not the final authority to decide the application and was under an obligation to forward the file to the minister-in-charge as per standing orders, which he duly did. However, this contention would have to be assessed in light of Section 3(3)(b) of the Haryana Development and Regulation of Urban Areas Act, 1975, which, on a *prima facie* reading, empowers the director to reject applications that do not meet the statutory requirements.

75. Moreover, the act of seeking a field report at that stage, despite already having the requisite adverse recommendations from HSIIDC, appears *prima facie* to support the allegations by the prosecution of an intentional delay. These are all matters requiring detailed evidence and trial, and cannot be adjudicated at the stage of framing of charges.

Petitioner Jaswant Singh (CRM-M-6155-2021)

76. Petitioner Jaswant Singh was posted as the District Town Planner (Headquarters), during the period February, 2002 to November, 2007. Allegedly on 08.08.2007, a file relating to the licence application of M/s ABW was marked to him with directions to process and submit the same by 09.08.2007. Contrary to the instructions, the petitioner, instead of forwarding the file to the appropriate authority for further action, directed the dealing assistant to attach earlier orders of the CM to all relevant files.

77. Subsequent to this as per prosecution's case, the concerned file remained dormant and untraceable from 09.08.2007 until 01.01.2009—a period exceeding 17 months. This inordinate delay is alleged to be not inadvertent but a deliberate act intended to prevent the rejection of the application, anticipating that the acquisition of land would lapse in the meantime. After the abandonment of the acquisition process, the file resurfaced, and the licence was granted in favour of M/s ABW notwithstanding its ineligibility under the prevailing rules. Furthermore, the petitioner allegedly authored a letter dated 20.06.2007 addressed to the MD, HSIIDC, wherein he conveyed that multiple applications for licence were under process with the Department of Town and Country Planning and urged HSIIDC to take this into account before proceeding further with the acquisition. It was asserted by the learned Special Public Prosecutor for the CBI that this letter was instrumental in prompting HSIIDC to defer the issuance of the award, thus materially aiding the delay in acquisition.

78. Moreover, the petitioner is alleged to have signed various official communications addressed to both the Department of Industries and HSIIDC, projecting a misleading representation that the department intended to consider applications for licencing, despite the subject land being under acquisition. These communications, as per the prosecution, formed the basis for deferral of acquisition, ultimately enabling the grant of licences to otherwise ineligible developers.

79. In response, learned senior counsel for the petitioner argued that all actions of the petitioner were performed in accordance with directions received from superior officers and that the issuance of letters and internal file notings were done in the ordinary course of official duties. It was also submitted that the delay in movement of the file was due to routine administrative reasons, and there was no evidence on record to suggest any corrupt motive or collusion with private builders. The counsel for the petitioner also emphasized upon the absence of any direct evidence of a bribe or unlawful gain.

80. However, these contentions raised by the petitioner pertain to factual disputes and matters of defence, which require evidence to be led during trial. At this preliminary stage, such defences cannot be adjudicated upon. These are matters that must be tested during trial and cannot be conclusively determined at this stage.

Petitioner M/s Conway Developers Pvt. Ltd. (Now Known as M/s Frontier Home Developers Pvt. Ltd.) (CRR-597-2021)

81. As per the investigation conducted by the CBI, it emerged that land measuring 78 kanals and 2 marlas was initially purchased by

Rahul Seth and Indu Seth from the original landowners in August 2004. Subsequently, in March 2005, the ownership of the company, M/s Conway Developers Pvt. Ltd., was transferred to D.K. Mittal, V.K. Mittal, M.K. Mittal and R.K. Mittal. Thereafter, the company was sold to co-accused Anil Kumar Batra and his family on 05.05.2006—i.e., after the issuance of the notification under Section 4 of LAA—and was subsequently renamed as M/s Frontier Home Developers Pvt. Ltd.

82. The allegation against the petitioner company is that it submitted an application seeking grant of a licence on 11.12.2006, by which time the ownership had already been transferred to Anil Kumar Batra and his family. As per the prevailing government policy of 2006, eligibility for grant of licence was confined exclusively to such persons or entities who held ownership of land prior to the issuance of the notification under Section 4 of LAA. In the present case, since the transfer of ownership to the present promoters took place after the issuance of such notification (27.08.2004), the company was ineligible for consideration of licence. Nevertheless, the application remained pending, and the licence was eventually granted after the acquisition proceedings were abandoned.

83. Learned senior counsel for the petitioner argued that the previous directors, Rahul Seth and Indu Seth, who had originally purchased the land, had not been arraigned as accused, despite their pivotal role in acquiring the land from the farmers. In response, this Court finds force in the submissions made by the learned Special Public Prosecutor for the CBI, who contended that Rahul and Indu Seth

neither applied for grant of licence nor were they beneficiaries of the eventual grant of licence or the abandonment of the acquisition proceedings. Accordingly, there appeared no occasion to array them as accused.

84. It was also further contended on behalf of the petitioner that the land was originally purchased prior to the notification under Section 4 of the LAA and, therefore, the company ought not to be rendered ineligible. However, this submission was countered by the learned Special Public Prosecutor for the CBI's argument that the relevant consideration is not the date on which the land was purchased *per se* but the ownership at the time of applying for a licence. Since the application was filed after the transfer of ownership to Anil Kumar Batra and his family—i.e., post-notification under Section 4 of the LAA—the company was not eligible under the 2006 policy.

85. In the considered opinion of this Court, the above submissions raise disputed factual issues which cannot be adjudicated upon at the stage of framing of charges. The learned Special Court is not expected to conduct a mini-trial at this stage, nor is it to examine the merits of the defence set up by the accused. The question of ineligibility on the basis of the change in ownership and its timing vis-a-vis the policy, along with the implications of abandonment of acquisition, are all matters which must be tested during the course of trial on the basis of evidence.

<u>Petitioner M/s Guru Nanak Infrastructure Developers Pvt. Ltd. (CRR-742-2021)</u>

86. As per the case set up by the prosecution, the petitioner

company was incorporated nearly two years after the issuance of the notification under Section 4 of the LAA. Allegedly, the company was promoted, managed, and controlled by co-accused Anil Kumar Batra and his immediate family members, including his brothers.

87. According to the allegations, M/s Earl Infotech Pvt. Ltd., which was also owned and controlled by Anil Kumar Batra and his family, had purchased land measuring 3 acres, 1 kanal and 16 marlas situated in village Naurangpur after notifications under Sections 4 and 6 of the LAA had been issued. Upon abandonment of the land acquisition proceedings, M/s Earl Infotech sold the aforementioned land to the present petitioner, M/s Guru Nanak Infrastructure Developers Pvt. Ltd., by way of registered sale deeds dated 05.09.2007 and 21.11.2007. Allegedly, this inter-company transfer was orchestrated with the deliberate intention of circumventing ineligibility criteria and to fraudulently exploit the eventual abandonment of acquisition for commercial gain.

88. Further, as per allegations, the petitioner company entered into a collaboration agreement with co-accused M/s Metropolis Infrastructure, and using the sale deeds executed between M/s Earl Infotech and M/s Guru Nanak Infrastructure Developers Pvt. Ltd., an application was submitted for grant of licence. The petitioner company was allegedly granted a licence in respect of 5.08 acres of land, despite being ineligible under the 2006 policy, which clearly prohibits issuance of licences to individuals or entities who acquired land after the issuance of the Section 4 notification.

89. The core of the allegation is that the transfer of land between two companies, both owned and operated by the same individual and his family, was a mere facade—engineered to give the transaction a colour of legitimacy and to defeat the regulatory embargo on such post-notification acquisitions.

Petitioner Anil Kumar Batra (CRR-734-2021)

90. The petitioner, Anil Kumar Batra, has been specifically named in the chargesheet at Sr. no. 23 and is alleged to be the controlling mind behind a number of corporate entities, including M/s Frontier Home Developers Pvt. Ltd. (formerly M/s Conway Developers Pvt. Ltd.), M/s Guru Nanak Infrastructure Developers Pvt. Ltd., and M/s Earl Infotech Pvt. Ltd. He allegedly used these entities to acquire land post the notification under Section 4 of LAA and subsequently obtaining licences through questionable collaboration agreements and alleged collusion with public servants.

91. The material collected during investigation further reveals that in August 2007, the petitioner addressed a request to the then CM, seeking release of the land held by M/s Conway Developers Pvt. Ltd. and requesting grant of licence. Moreover, paragraph 16.136 of the police report explicitly records the finding that private developers, including Anil Kumar Batra, Atul Bansal, Naveen Rao, and others, along with their respective companies, conspired with public officials to derive unlawful benefits from the abandonment of acquisition. It is the specific case of the prosecution that land was deliberately purchased

post-notification with the knowledge and intent to subsequently procure licences through misuse of official position by the co-accused public servants, thereby securing wrongful gains.

92. Learned senior counsel for the petitioner argued that the petitioner, being a director of the said companies, could not be held vicariously liable in the absence of any specific overt-act and that criminal law does not recognize the doctrine of vicarious liability in the absence of statutory provision. However, this Court finds considerable merit in the contention raised by the learned Special Public Prosecutor for the CBI that the petitioner has been arraigned as an accused at Sr. No.23 of police report, not on the basis of vicarious liability, but for his direct and personal participation in the alleged conspiracy.

93. It also needs to be observed that there are further allegations that the petitioner actively controlled multiple companies, orchestrated intra-company transfers of land post-notification, and submitted applications for licences under misleading pretenses, thereby attempting to fabricate eligibility. These shell transactions and the alleged collusion with public officials cannot, at this stage, be dismissed as mere administrative acts of a company director. Rather, they form the substratum of the case of the prosecution alleging personal involvement and criminal intent.

94. This Court, therefore, finds that the petitioner has been arrayed as an accused in his personal capacity, based on specific allegations of direct participation in the commission of the offences in question. The issue of actual culpability and extent of involvement shall

necessarily be a matter of evidence at trial, and cannot be conclusively adjudicated at the present stage.

95. In the considered opinion of this Court, the above allegations and the supporting material placed on record, if taken at face value, do make out a *prima facie* case against the petitioners. The learned Special Court cannot be faulted with for framing charges against the petitioners, in view of the material collected by CBI as also having considered the gravity and nature of allegations, which involve an alleged fraudulent design in connivance with other co-accused to deprive poor and innocent farmers of their land and to cause wrongful gain to themselves running into crores of rupees by systematically allowing acquisition proceedings to lapse.

96. It also needs to be noted that extensive submissions were made by the learned counsel for the petitioners on the merits of the case, seeking evaluation of evidence and appreciation of defence. However, at the risk of repetition, the law is clear that at the stage of framing of charges, the Court is not required to conduct a meticulous analysis of evidence or delve into the defence. The sufficiency of evidence is not to be weighed at this stage, and the Court must only be satisfied that there is a *prima facie* case to proceed to trial. Any deeper evaluation of the defence case would amount to premature adjudication which is impermissible in law. However, the petitioners shall remain at liberty to raise all permissible pleas during trial, which shall be duly considered by the learned Special Court in accordance with law.

97. The Hon'ble Supreme Court in ***Rameshwar and others Vs.***

State of Haryana and others (Civil Appeal No.8788 of 2015) at paragraph 12 has also taken note of alleged fraudulent abandonment of acquisition proceedings, holding the same to be a "fraud on power" and directing recovery of gains from private developers.

98. Learned counsel for petitioners further argued that the prosecution is selective, as similarly situated individuals/entities have not been arraigned as accused, and therefore, on this ground they deserved to be discharged. This plea is devoid of merit. Even assuming arguendo that there has been selective prosecution, such a contention cannot form the basis for discharge at the stage of framing of charges. The issue of selective prosecution, being a matter of factual adjudication, can be raised as part of defence during trial and will be decided based on evidence led before the learned Special Court.

99. Another contention which was laid on behalf of the petitioners was that there was no direct evidence of conspiracy and the petitioners had been falsely implicated. However, the law is well settled that conspiracy is usually hatched in secrecy, and direct evidence is rarely forthcoming. It is permissible in law to establish conspiracy through circumstantial evidence, including the conduct of the accused and the chain of events. Such matters require detailed scrutiny of evidence and therefore, cannot be conclusively decided at the stage of framing of charges.

Absence of Sanction Under Section 197 of the Cr.P.C. and Section 19 of the PC Act:

100. In addition, learned counsel for the petitioners, Murari Lal

Tayal, Chattar Singh, Sudeep Singh Dhillon and Jaswant Singh, argued that the learned Special Court was not competent to take cognizance of the alleged offences in the absence of prior sanction under Section 197 of the Cr.P.C., which is mandated for prosecuting public servants for acts purportedly done in the discharge of their official duties.

101. It was contended that since the petitioners were public servants at the relevant time, and the acts imputed to them were performed in the course of their official duties, the prosecution cannot proceed without obtaining the requisite sanction.

102. The learned Special Court, however, in the impugned order, observed that sanction under Section 197 of the Cr.P.C. is not a prerequisite for prosecuting offences under Sections 420 and 120-B IPC, particularly because the nature of such offences, namely cheating and criminal conspiracy, is such that they cannot be said to be acts done in discharge of official duties.

103. In support of this legal position, learned Special Public Prosecutor for the CBI placed reliance on the decision rendered by the Constitution Bench of the Hon'ble Supreme Court in ***K. Satwant Singh's case (supra)***. The relevant observations made in the said judgement are as follows:-

> *"16. Under, s. 197 no Court shall 'take cognizance of an offence committed by a public servant who is removable from his office by the Governor General-in counsel or a Provincial Government, save upon a sanction by one or the other as the case may be, when such offence is committed by him while acting or purporting to act in the discharge of his official duty. Henderson was charged with intentionally aiding the appellant in the commission of an offence punishable under s. 420 of the Indian Penal Code by falsely stating as a fact, in his reports that the*

appellants claims were true and that statement bad been made knowing all the while that the claims in question were false and fraudulent and that he had accordingly committed an offence under s. 420/109, Indian Penal Code. ***It appears to us to be clear that some offences cannot by their very nature be regarded as having been committed by public servants while acting or purporting to act in the discharge of their official duty. For instance, acceptance of a bribe, an offence punishable under s. 161 of the Indian Penal Code, is one of them and offence of cheating or abetment thereof is another. We have no hesitation in saying that where a public servant commits the offence of cheating or abets another so to cheat, the offence committed by him is not one while he is acting or purporting to act in the discharge of his official duty, as such offences have no necessary connection between them and the performance of the duties of a public servant, the official status furnishing only the occasion or opportunity for the commission of the offences (vide Amrik Singh's case (1)). The Act of cheating or abetment thereof has no reasonable connection with the discharge of official duty. The act must bear such relation to the duty that the public servant could lay a reasonable but not a pretended or fanciful claim, that he did it in the course of the performance of his duty (vide Matajog Dobey v. H. C. Bhari, [1955] 2 S.C.R. 925)****. It was urged, however, that in the present case the act of Henderson in certifying the appellant's claims as true was an official act because it was his duty either to certify or not to certify a claim as true and that if he falsely certified the claim as true he was acting or purporting to act in the discharge of his official duty. It is, however, to be remembered that Henderson was not prosecuted for any offence concerning his act of certification. He was prosecuted for abetting the appellant to cheat. We are firmly of the opinion that Henderson's offence was not one committed by him while acting or purporting to act in the discharge of his official duty. Such being the position the provisions of s. 197 of the Code are inapplicable even if Henderson be regarded as a public servant who was removable from his office by the Governor General-in-counsel or a Provincial Government.*

(Emphasis supplied)"

104. The above interpretation by the Constitution Bench of the Apex Court categorically lays down that certain offences—by their very

nature—do not fall within the protective ambit of Section 197 of the Cr.P.C. The Apex Court in ***K. Satwant Singh's case (supra)*** categorically opined that an offence like cheating or its abetment bears no reasonable nexus to official functions and, therefore, does not attract the bar on cognizance under Section 197 of the Cr.P.C.

105. The said proposition continues to hold the field, the decision having neither been overruled nor distinguished by any larger bench. It is pertinent to note that the judgments relied upon by the learned counsel for the petitioners—***A. Srinivasulu Vs. State Rep. by the Inspector of Police (Criminal Appeal No.2417 of 2010, decided on 15.06.2023)*** and ***Ramesh Chander Diwan Vs. Central Bureau of Investigation : 2024:PHHC:007833***—do not override or dilute the binding effect of the Constitution Bench decision in ***K. Satwant Singh's case (supra)***. Furthermore, the decision in ***K Satwant Singh's case (supra)*** was not brought to the attention of the Court while deciding ***Ramesh Chander Diwan's case (supra)*** by the CBI and also escaped its notice, hence, the current position needs to be aligned with the binding precedent.

106. Accordingly, in light of the authoritative pronouncement in ***K. Satwant Singh's case (surpa)***, this Court finds no illegality in the decision of the learned Special Court to proceed without sanction under Section 197 of the Cr.P.C., for the offences under Section 420 and 120-B of the IPC.

107. With regard to the requirement of sanction under Section 19 of the PC Act, it needs to be noted that the petitioners had already

retired from service at the time the police report under Section 173 of the Cr.P.C. was submitted and cognizance was taken on 16.03.2018. The legal position, as settled prior to the 2018 amendment to the PC Act, (which was not in force at the time of taking cognizance), is that sanction under Section 19 of the PC Act is not required to prosecute retired public servants. Hence, no fault can be found with the absence of sanction under the PC Act in the present case.

108. In view of the above detailed discussion and authoritative precedents, this Court finds no infirmity, legal or procedural, in the impugned order passed by the learned Special Court. The impugned order has been rendered in accordance with settled legal principles and does not warrant interference. Consequently, all the petitions stand dismissed.

109. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

110. Pending applications, if any, stand disposed of.

15.05.2025 **(MANJARI NEHRU KAUL)**
Vinay **JUDGE**

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