

2023 SCC OnLine P&H 642

In the High Court of Punjab and Haryana at Chandigarh
(BEFORE VINOD S. BHARDWAJ, J.)

Vikas ... Petitioner;

Versus

State of Haryana ... Respondent.

CRM-M-30321-2023 (O&M)

Decided on June 16, 2023

Advocates who appeared in this case:

Mr. Anil Rathee, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

The Judgment of the Court was delivered by

VINOD S. BHARDWAJ, J. (Oral):— The instant petition has been filed under Section 439 of the Code of Criminal Procedure, for the grant of regular bail in FIR bearing No. 0015 dated 06.04.2023, under Sections 409, 418, 420, 466, 467, 468, 471, 477-A, 120-B of the Penal Code, 1860 and under Sections 7, 7(A), 8, 13 (1)(B) read with Section 13 (2) of the Prevention of Corruption Act, 1988, registered at Police Station Anti Corruption Bureau, Gurugram.

2. This case was registered upon an information/report received from the office of Chief Secretary, Haryana and office of Director General of police, Anti Corruption Bureau, Haryana, wherein it was alleged that as per the rules and regulations of the revenue department the different stamp duty has been prescribed for registration of sale deeds for industrial, commercial and residential plots. As per the new policy of the State Government, sale deeds are being registered online so that the correct prices of the property and stamp duty thereon can be assessed. Ravinder Singh, Director, M/s Nippon Steering & Suspension Pvt. Ltd. was having industrial land measuring 2 Bigha 19 Biswa 16 Biswansi in Rajendra Park, Gurugram having property ID number 106C100U52 with Municipal Corporation, Gurugram and as per the Collector rate, its price was Rs. 40,03,39,800/- under the industrial plot category and the stamp duty was Rs. 2,80,23,786/-. Said Ravinder Singh, Director, M/s Nippon Steering & Suspension Pvt. Ltd. sold the said land measuring 2 Bigha 19 Biswa 16 Biswansi to Harish Kumar, Director M/s Janghu Real Estate Private Ltd, Gurugram vide registered sale deed no. 9235 dated 07.01.2022 for sale consideration of Rs. 8 crores and paid stamp duty of Rs. 56 lacs showing the land under category of agricultural land. As per revenue record, said land was shown Gair Mumkin. In this way. Ravinder Singh vendor. Harish Kumar

vendee and Darpan Singh Kamboj, Tehsildar in criminal conspiracy with each other has caused a loss of stamp duty of Rs. 2,24,23,786/- to the State. It is further alleged that permission to register the sale deed manually was granted vide letter dated 07.01.2022 of the office of Deputy Commissioner, Gurugram instead of registering the sale deed online. Accused in conspiracy with the officers/officials of Municipal Corporation, Gurugram forged the data of property ID and shown the land in question under the category "mixed use" and its status was shown as "approved" and thereafter plots were carved out in the said land, causing loss of huge revenue to the State.

3. Learned counsel for the petitioner contends that the petitioner has no role to play in the commission of offence. As per the case put up by the Investigating Agency, the co-accused Chiranji Lal is stated to have contacted Pankaj who further contacted Shiv Mehra who got in touch with the petitioner and the change of the description of the property in the property I.D. data base was carried out by Samar Kapoor, an employee of the Municipal Corporation, purportedly for a consideration. It is averred that the name of the petitioner thus figures on a disclosure made by the co-accused and that there was no illegal gratification demanded by the petitioner and that he was not the person responsible for carrying out any change in the data base of the property I.D. and/or its category. It is also contended by the counsel for the petitioner that a total of other six accused have already been granted the concession of bail. Co-accused Dinesh Kumar and the municipal employee carrying change of entry namely Samar Kapoor have already been granted concession of anticipatory bail/interim bail respectively while the other accused persons have been granted the concession of regular bail. He submits that the custody period undergone by the petitioner is more than the custody period undergone by the persons who have been granted regular bail. He further argues that the petitioner at best is only a conduit between the beneficiaries and the persons who carried out the requisite change i.e. Samar Kapoor.

4. Learned State counsel opposed the prayer made by the petitioner and contends that the petitioner had been the link person for effecting change in the property I.D. data base, thus resulting in a loss of more than Rs. 2.24 crores to the State exchequer. It is also contended that the petitioner is a draftsman on contractual basis with the Municipal Corporation, Gurugram and had indulged himself in the illegal activity. He, however, could not dispute the fact that other similarly placed persons namely Pankaj, Chiranji Lal and Shiv Mehra have already been granted the concession of regular bail even though their period of actual custody is less as compared to the petitioners. It is also not in dispute that the employee of the Municipal Corporation who carried out the change in the property I.D. data base has already been granted an

interim bail. It is submitted that final report against the petitioner has been submitted on 03.06.2023 and conclusion of proceedings before the trial Court is likely to take long time.

5. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.

6. Taking into consideration the fact that other similarly placed accused have already been granted the concession of bail and also that the person who is accused of having carried out the final changes in the data base of the property I.D. is already on interim bail coupled with the fact that the investigation in the case is already complete and nothing is to be recovered from the petitioner, I deem it fit to allow the instant petition.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

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