

CRM-M-58720-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58720-2024
Reserved on: 22.04.2025
Pronounced on: 29.04.2025

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. Nikhil Thamman, Advocate and
Ms. Malini Singh, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
79	16.07.2020	City Zira, District Ferozepur	406, 420, 467, 468, 471, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

3. *That the brief facts of the case are that on 12.03.2013, in CA No 6572/2004, titled as "PGF Limited vs Union of India" the Hon'ble Supreme Court of India, inter-alia, passed the following order:-*

"62.1. Apart from imposing costs for having wasted the precious time of the High Court as well as of this Court in order to ensure that none of the investors customers of PGF Ltd who have parted with their valuable savings and earnings by falling a prey to the promise extended to them are deprived of their investments we feel it just and necessary to direct for proper investigation both by the

Central Bureau of Investigation as well as the Department of Income Tax and in the event of any malpractice indulged in by PGF Ltd to launch appropriate proceedings both, civil, criminal and other actions against PGF Ltd as well as all those who were responsible for having indulged in such malpractice.

62.2. *We also direct the second respondent to proceed with its and inspection of PGF Ltd as well as all its other officers and other premises and after due enquiry to be carried out in accordance with law, take necessary steps for ensuring the refund of the monies collected by PGF Ltd in connection with the sale and development of land to its various customers."*

In view of the aforesaid observations, Central Bureau of Investigation (CBI), Department of Income Tax as well as SEBI was entrusted with the investigation regarding alleged malpractices done by PGF Limited.

4. *That, in compliance of aforesaid order, CBI registered the FIR No. RC.BD-1/2014/E/0004/BS&FC/New Delhi, dated 19.02.2014 against PACL Limited and PGF Limited and its directors under sections 409, 411, 420, 467, 468, 471, 120-B IPC and raids were conducted on the office premises of PACL Limited in February, 2014, in which CBI seized the original sale/title deeds of the properties situated all over India belonging to PACL Limited, its associate/group companies and other concerned.*

5. *That, during investigation conducted by Central Bureau of Investigation (CBI), in above case a list of properties was sent to the Government of Punjab to direct all the Land Revenue Officers and Sub-Registrars offices to obtain prior NOC from competent court/CBI before allowing any further alienation/transfer of said land in future. Subsequently, Government of Punjab issued memo No 24/55/15-ST 1/9089-08, Chandigarh dated 30.06.2015 directing all the Deputy Commissioners in the State except those of Faridkot, Jalandhar and Tarn Taran to comply with the directions communicated by CBI.*

6. *That on 02.02.2016, Hon'ble Supreme Court of India passed an order in Civil Appeal No. 13301/2015, constituting a committee under the chairmanship of former Chief Justice of India Justice (Retd.) R.M. Lodha, so as to dispose of the properties and lands of PACL Limited and to return the money to the investors. Further, CBI was directed to hand over the documents, after retaining their copies, which might be required by the SEBI, as to enable the Committee to sell the land it is pertinent to mention here that the Hon'ble Supreme Court of India in para No. 13 of the above said order has specifically mentioned that the decision with regard to sale of property of the company by the committee shall not be interfered with by any Court.*

7. *That the Hon'ble Supreme Court of India vide its order dated 25.07.2016 in Civil Appeal No. 13301 of 2015, stayed the sale of all the properties of above said companies, the specific prayer in para No. (a) was granted which is reproduced as under:*

"(a) Pass an order directing that PACL Ltd. and/or its Directors /promoters/Agents/Employees/Group and or associate companies be restrained from in any manner selling /transferring/alienating any of the properties wherein PACL has, in any manner, a right/interest situated either within or outside India".

8. *That the Justice (Retd) R. M. Lodha Committee also brought to the notice of the public at large that the committee had received complaints/information that certain individuals/ entities were attempting to sell the properties of PACL Limited. The Public was cautioned against buying/dealing with any such properties as only OVT. OF INDIP Justice (Retd.) R.M. Lodha Committee (in the matter of PACL Limited) was authorized to sell the properties of PACL Limited or properties wherein PACL Limited or any of its associates/subsidiaries have any interest/rights, directly or indirectly.*

9. *That one complaint filed by Pardeep Singh son of Mukand Singh resident of near Durga Mandir, Bhadson, District Patiala, was received by the Director General of Police, Punjab Chandigarh, alleging therein that they were being cheated by the persons who are disposing of the properties belonging to PACL Limited company fraudulently by preparing forged and fabricated documents in violation of the orders dated 25.07.2016 of Hon'ble Supreme Court of India vide which alienation of properties belonging to PACL Limited was prohibited. The complainant further prayed that investigation qua disposal of properties of the company (PACL Limited) in contravention of order of the Hon'ble Supreme Court of India, be got conducted since the accused persons were threatening them. The accused being very influential persons could hush-up the investigation of cases registered, so the investigation be got conducted out of the district that too from a Senior Police officer, so that justice could be imparted to the investors.*

10. *That it is relevant to mention here, an enquiry into the complaint filed by above Pardeep Singh was conducted by the Deputy Superintendent of Police, Zira, Ferozepur and it was found that representatives/associates of the PACL Limited despite the stay orders of Hon'ble Supreme Court of India, had been misappropriating VOIP the land/property of the company under a pre-planned conspiracy and in a fraudulent manner so that money of the investors could be JAN 2025 embezzled. On the basis of report of Deputy Superintendent of Police, Zira, Ferozepur, FIR No. 79 dated 16.07.2020 under sections 406, 420, 467, 468, 471 and 120-B of IPC was registered at Police Station City Zira, District Ferozepur with the approval of the Deputy*

Inspector General of Police, Ferozpur Range, Punjab, who had also constituted a Special Investigation Team (hereinafter referred as SIT) comprising of (1) Superintendent of Police (H.Q.), Tarn Taran as Chairman, (2) Deputy Superintendent of Police, Sub-Division Jalalabad and (3) Deputy Superintendent of Police, Zira, as members for conducting investigation of the above case.

11. That, subsequently, the office of Director General of Police Punjab vide order No. 117-120/Crime/Inv-3, dated 10.01.2022 transferred the investigation of the above case FIR No. 79 dated 16.07.2020, Police Station City Zira from District Ferozpur and entrusted the investigation of this case to Bureau of Investigation, Punjab, Chandigarh.

12. That it is further submitted that, the Bureau of Investigation, Punjab, Chandigarh vide its order No. 2014-18/Crime/Inv-5, dated 21.05.2023 transferred the investigation of above FIR No. 79 dated 16.07.2020 u/s 406, 419, 420, 467, 468, 471, 384 and 120-B IPC Police Station City Zira, District Ferozpur to Vigilance Bureau, Punjab. Consequently, Vigilance Bureau, Punjab has constituted a Special Investigation Team to investigate the case.”

4. Counsel for the petitioner seeks bail on the following grounds:

- i. petitioner is brother-in-law of the main accused Nirmal Singh Bhangu who made petitioner as Director in 43 companies and properties were purchased in name of those companies which were allegedly sold violating the orders of Hon'ble Apex Court.
- ii. there is no allegation that the petitioner had purchased any property in his name or his family members or mis-use sale proceeds.
- iii. The case is triable by Magistrate.
- iv. prolonged pre-trial custody.
- v. petitioner is a first offender.

5. State counsel opposed the bail and submits that it is one of the India's biggest fraud till date and the main accused has expired but dream of thousands of people were shattered because of the accused in the present case who took money by promising them of their dream homes and usurp the money.

6. It would be appropriate to refer to following portion of reply which reads as follows:

“4. That the contents of para No. 4 regarding the final report which was filed u/s 173 CrPC against the accused petitioner are a

matter of record, which needs no reply. However, it is further submitted that accused/ petitioner in connivance with other co-accused persons have disposed of land purchased by PACL Limited in his name and others measuring 79 Bighas 02 Biswas situated at Village Khalawar, District SAS Nagar vide sale deed No. 562 dated 20.10.2019 to Sh. Vimal Kumar Jindal son of Hans Raj Jindal for consideration amount of Rs.2.5 crores and another chunk of land measuring 53 Bigha 3 Biswa situated at Village Landiali, District SAS Nagar through GPA to Jaswinder Kaur wife 2025 of Gurmeet Singh resident of Village Bakarpur in total consideration amount of Rs. 3,87,55,900/- on 03.02.2017 and 09.02.2017 through two different sale deeds, despite having full knowledge that the Hon'ble Supreme Court of India vide order dated 25.07.2016 has restrained the disposing of properties having interest of PACL Limited.”

7. An analysis of the arguments would lead to the following outcome. On the face of it, petitioner was directly involved in the commission of said offence and he is not entitled to bail on merits, however, as per custody certificate dated 08.04.2025, petitioner's custody is 01 year, 06 months and 10 days.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 08.04.2025, the petitioner's total custody in this FIR is 01 year, 06 months and 10 days. Moreover, the petitioner has declared all his assets and handed over the original affidavit to the State counsel. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

	AADHAR number	
	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	

	Mobile number (If available)	
	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

29.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.