

DINESH KUMAR VS STATE OF HARYANA

Present: Mr. Preetinder Singh Ahluwalia, Advocate, for the petitioner.

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.15 Dated 06.04.2023, Police Station Anti Corruption Bureau, Gurugram, under Sections 409, 418, 420, 466, 467, 468, 471, 477-A, 120-B IPC and Sections 7, 7-A, 8, 13(1)(B) read with 13(2) of the Prevention of Corruption Act, 1988 (As amended in 2018).

The allegations, in nutshell, are that as per the policy of Government of Haryana, the sale deeds are to be registered online so that correct value of the property can be assessed and correct Stamp Duty is affixed thereupon. It is alleged that Ravinder Singh, Director M/s Nippon Steering Suspension Pvt. Ltd. was having land measuring 2 bighas 19 biswas and 16 biswas in District Gurugram, which was actually valued at Rs.40,03,39,800/- as the same was “industrial” plot and the proper Stamp Duty required to be affixed upon its sale was Rs.2,80,23,786/-. Said Ravinder Singh sold the said land to Harish Kumar, Director M/s Janghu Real Estate Pvt. Ltd. but in the sale deed the sale consideration was shown as Rs.8 crores and upon which Stamp Duty of Rs.56 lakhs only was paid by showing the land to be falling in the category of “agricultural land”. It is alleged that the aforesaid Ravinder Singh, Harish Kumar and Darpan Singh Kamboj (Tehsildar) in connivance with each other and with some others had thus caused a loss by way of evasion of Stamp Duty to the tune of Rs.2,27,93,092/-.

It is further the case of prosecution that in the instant case permission to register the sale deed “Manually” was granted on 7.1.2022 by the Office of Deputy Commissioner, Gurugram and that the accused gave

effect to their designs by forging the record on NDC Portal of DULB (Department of Urban Local Bodies) by showing said land to be in the category of “mixed use” and consequently the status of NDC was shown as approved.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case and had no role whatsoever in issuance of NDC or in changing the status of the category of the land in question. It has been submitted that the petitioner was having the charge of Zonal Taxation Officer (HQ), Municipal Corporation, Gurugram and was looking after the affairs of the Headquarter and Zone-II whereas the property in question falls in Zone-I.

Learned counsel in this regard has submitted that the specific allegations as per the FIR is that while the petitioner in his e-mail dated 19.1.2021 had sent information to the effect that the plot in question is “industrial” and that the status of NDC is “unapproved”, but subsequently on 19.8.2021 the category is shown as “mixed use” and the status of NDC was shown as “authorized” and that the said change was made pursuant to e-mail dated 19.8.2021 sent by petitioner to NDC-DULB.

Learned counsel in this regard has drawn the attention of this Court to e-mail dated 19.8.2021 which shows that the e-mail in question had actually been sent by Samar Kapoor from GIS2MCG@mcg.gov.in (Geographic Information System) to IT Cell and that it is only a copy of the e-mail which is sent to Zonal Taxation Officer i.e. to the petitioner. The said e-mail shows that some document is attached. As per the learned counsel for the petitioner, the said document includes the details of the property in question which is shown therein to be falling in the category of “mixed use”

and the status is shown as “approved”. It has thus been submitted that petitioner cannot be said to be sender if this e-mail on the basis of which there is some change in record.

Notice of motion for 11.9.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

At this stage, Ms. Geeta Sharma, DAG, Haryana, has put in appearance on behalf of respondent-State and accepts notice.

The State shall seek instructions as regards e-mail dated 19.8.2021 particularly as to who had sent this e-mail and who is the addressee and what kind of particulars were attached with the said e-mail.

16.05.2023
mohan

(GURVINDER SINGH GILL)
JUDGE