

ANIL ARORA VS STATE OF PUNJAB

Present: Mr. H.S. Oberoi, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

1. This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
16	2 nd May, 2023	Vigilance Bureau, FS-1, Mohali, Punjab	409, 420, 465, 466, 468, 471, 120-B IPC, 1860 and 13(1)(a) read with Section 13(2) of Prevention of Corruption Act, 1988

2. Learned Counsel appearing for the petitioner claims parity with the co-accused Gurpreet Kaur who was granted interim bail by this Court 20th July, 2023 in CRM-M-26754-2023.

3. On 20th July, 2023, following order was passed:-

“1. These petitions under Section 438 Cr.P.C. are filed seeking anticipatory bail in FIR mentioned below :-

<i>FIR No.</i>	<i>Date</i>	<i>Police Station</i>	<i>Sections</i>
<i>16</i>	<i>2.5.2023</i>	<i>Vigilance Bureau, FS-1, Mohali, Punjab</i>	<i>409, 420, 465, 466, 468, 471, 120-B IPC, 1860 and 13(1)(a) read with Section 13(2) of Prevention of Corruption Act, 1988</i>

2. The case set up by the prosecution is that the land owned by the petitioners were to be acquired under Land Pooling Scheme. As per the Scheme, they were to be given alternate plots for the land acquired as well as the compensation for the structures and plantation. It is alleged that the petitioners had shown the plantation of Guava trees whereas there was none at the spot. It is further alleged that revenue records were forged. As per the investigating agencies, the approximate payment received by the petitioners are mentioned below :-

<i>Name</i>	<i>Amount</i>
<i>Gurpreet Kaur</i>	<i>Rs.2.99 crores</i>
<i>Kulwinder Kaur</i>	<i>Rs. 2.80 crores</i>
<i>Manpreet Kaur</i>	<i>Rs. 69 lakhs</i>
<i>Nisha Garg</i>	<i>Rs. 50 lakhs</i>

3. *Learned Senior Counsel for the petitioner-Gurpreet Kaur submits that the case is based upon documentary evidence. It is further argued that the petitioners have no criminal antecedents. She is ready to join the investigation and will handover the relevant documents in her possession.*

4. *Learned Counsel for the petitioners submits that the petitioners to show their bona fides are ready to deposit 50% of the amount mentioned above in tabulated form within one month, subject to outcome of the trial.*

5. *Learned counsel for the State appearing on advance notice vehemently opposes the prayer and submits that it is a scam whereby the position of the lands were altered to fleece the public exchequer.*

6. *The case is based upon the documentary evidence. The bone of contention is that as to whether there was plantation on the acquired land and if so to what extent. The petitioners have clean antecedents. The offer prima facie to establish their bona fide appears reasonable more so, when public money is involved. The petitioners are granted interim anticipatory bail subject to deposit of 50% of the amount with Illaqa Magistrate/trial Court as undertaken, within one month from today and joining investigation within ten days. In the event of arrest, they shall be released on bail subject to their furnishing adequate bail bonds to the satisfaction of the Investigating Officer. They are directed to join the investigation as and when called for. They shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.*

7. *List on 1st September, 2023.*

8. *The amount deposited will be kept in an FDR in a nationalized bank subject to outcome of trial.*

9. *A photocopy of this order be placed on the file(s) of connected case(s).*

4. *Learned counsel for the petitioner submits that petitioner to show his bonafide is ready to deposit 50% of the awarded amount i.e. Rupees Forty Nine Lakh within one month, subject to outcome of the trial.*

5. Learned counsel for the State appearing on advance notice vehemently opposes the prayer but is not in a position to distinguish the parity of the petitioner vis-à-vis co-accused so far as grant of interim bail is concerned.

6. Without commenting on the merits of the case, considering the nature of allegations, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, the petitioner is granted interim anticipatory bail subject to deposit of 50% of awarded amount with Illaqa Magistrate/trial Court, within one month from today and joining investigation within ten days. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

7. List on 1st September, 2023.

8. The amount deposited will be kept in an FDR in a nationalized bank subject to outcome of trial.

9th August, 2023
Parveen Sharma

(AVNEESH JHINGAN)
JUDGE