

**IN THE COURT OF SH. SANDEEP S. JOSSAN (PB0150)
ADDITIONAL SESSIONS JUDGE, FAZILKA.**

**BA No.1683 of 16.09.2019
CNR No.PBFZC0-004601-2019
Decided on :- 23.09.2019**

Naresh Chhabra, aged about 45 years, son of Sh. Harbans Chhabra,
resident of Street No.1, Basant Nagri, Abohar, Tehsil Abohar, District
Fazilka.

Versus

. . . Accused/applicant.

State of Punjab.

. . . Respondent.

FIR No. 194 dated 11.09.2019
U/s :- 420/465/467/468/471/120-B
IPC and Section 13(2) of Prevention
of Corruption Act, 1988
P.S.City-I, Abohar.

Bail application U/s 438 Cr.P.C.

Present: Sh. Anoop Munjal, cl for the applicant.
Addl. PP for the State.

ORDER

1. This order disposes off bail application of accused described in detail herein above.
2. Accusations leading to the registration of this FIR is that

land measuring 3.5 Kanals in Dharam Nagri was earmarked for the park of the children. But M.C. did not develop it as a park, as such, the residents of the locality of Dharam Nagri themselves cleaned the garbage and installed swings for the children. Parmil Kalani, the then President Municipal Council, Abohar by dishonestly concealing the true facts and misusing his official position in the utter violation of law, in connivance with Rakesh Chhabra @ Titu Chhabra, M.C. and Naresh Chhabra, Abohar in order to give wrongful gain to themselves and wrong loss to the Punjab Government and as well as residents of the area Dharam Nagri passed the resolution No. 41 dated 25.05.2015 vide which the land in dispute (Children Park) was ordered to be sold and it was purchased by Naresh Chhabra, the real brother of M.C. Abohar Rakesh Chhabra alias Titu Chhabra at a throw away price of Rs.56,00,000/-. Thereafter, in order to vacate the land accused forcibly and illegally uprooted the swings. Thereafter, even the residents of Dharam Nagri, approached the Hon'ble Punjab & Haryana High Court in Civil Writ petition and the Hon'ble High Court directed the Deputy Commissioner, Fazilka to look into the matter. After recording the statements of the residents of Dharam Nagri and by visiting the disputed spot, the Deputy Commissioner, Fazilka vide order dated

11.04.2017 passed a detailed order vide which the resolution No. 41 dated 25.05.2015 was suspended in the larger public interest. Thereafter, a detailed inquiry conducted by the Local Bodies Department Punjab in this matter and Parmil Kalani was found guilty and was dismissed.

3. It is urged on behalf of the accused/ applicant that accused is altogether innocent and has been falsely implicated. Accused/applicant came to know about the public auction of the plot of the municipal council, Abohar vide advertisement published on 06.06.2016 in the daily newspaper Punjabi Jagbani and Hindi Dainik Jagran that a plot with reserves price of Rs.28,96,200/- is for sale in public auction situated on backside of Telephone Exchange residential quarters Tehsil Complex, Abohar in public auction to be held on 27.06.2019 in town hall, Nagar Council Abohar at 11.00 A.M. Thereafter, the applicant also heard the public announcements made by the municipal council, Abohar made through Munadi regarding the above auction to be held on 27.06.2019. On 27.06.2019, the auction of the above plot started and the first bid for the same was Rs.40,00,000/-. Thereafter, in accordance with law, the accused/ applicant paid the earnest amount and similarly the remaining payment was also within

time by the accused/applicant. Thereafter, the accused/applicant after the full and final payment moved an application dated 23.08.2016 for issuance of NOC. The municipal counsel issued NOC on 07.09.2016. The order of the Deputy Commissioner Fazilka is wrong and illegal and passed by manipulating the facts of the Judgment of Hon'ble Supreme Court of India. Accused are not at fault as such, they filed an application to the Municipal Committee, Abohar for refund of his amount of Rs. 56,40,000/- The market value of plot in question till date is not more than Rs. 56,40,000/-. the present case is based on documentary evidence and already during inquiry all the relevant documents have been submitted before the police. Complainant belongs to ruling congress -party and has filed the present complaint at the instant of local congress leader.

4. The bail application has been opposed.

5. After hearing the learned counsel for the parties and going through the records of the case, it came out that accused committed a serious offence. It came out that allegedly accused by fixing the Collector rate as reserve price which is very less than prevailing market rates, sold the land earmarked for children park. So keeping in view the material facts of the case, nature of crime, gravity of offence and

the manner in which it is alleged to have been committed, I find that extra ordinary relief of anticipatory bail is not to be extended in such like cases and it would not only hamper the investigations but would also send a wrong signal to the society. Resultantly, application is found to be without merit and is dismissed.

Before parting with this order, let it be clear that all said and observed herein before is only for the purpose of deciding the application in hand shall not have any effect upon the merits or ultimate out come of the case.

File to be consigned to the record room.

-Sd/-

Pronounced. Dated: -23.09.2019	Sandeep S. Jossan PB0150 Additional Sessions Judge, Fazilka.
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typed by Sunil Kumar,
Stenographer Gr-1