

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: August 1, 2016

1. CRM M-14042 of 2016
Harjinder Singh
.....Petitioner

Vs.
State of Punjab
.....Respondent

2. CRM M-22276 of 2016
Joginder Singh
.....Petitioner

Vs.
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.
-.-

Present:- Mr.P.S. Ahluwalia, Advocate for the petitioner in
CRM M-14042 of 2016.

Mr. A.S. Khinda, Advocate for the petitioner in
CRM M-22276 of 2016.

Mr.R.S. Randhawa, Addl.A.G., Punjab.

Mr.Kawaljyot Singh, Advocate for the complainant.

-.-

M.M.S. BEDI, J. (ORAL)

This order will dispose of two petitions, one filed by Harjinder Singh (CRM-M-14042-2016) and other by Joginder Singh (CRM-M-22276-2016) for grant of pre arrest bail in a case which was registered at the instance of complainant, Kulwant Rai in Vigilance Bureau alleging that the

land of Sarabjit Singh was sold by impersonator Sukhdev Singh, who was identified by Harjinder Singh, in the capacity as Numberdar and by Nirmal Singh. So far as Joginder Singh is concerned, he is alleged to have identified the impersonator of Sukhdev Singh, at the time of execution of agreement of sale, whereas the allegation against Harjinder Singh is that he identified the impersonator Sukhdev Singh at the time of execution of the sale deed.

Learned counsel for the petitioners had vehemently contended that the petitioners had identified the seller on the basis of the documents brought to their notice, at the instance of the purchaser being followers of the purchaser Dera.

It has also been argued that the co-accused of the petitioner Nirmal Singh has been granted the concession of pre-arrest bail by the Coordinate Bench of this Court. It is noticed that Nirmal Singh is the second attesting witness while identifying the impersonator and he had been granted concession of pre-arrest bail *inter alia* on the ground that he is suffering from cancer.

It has also been argued that the matter has been compromised between the original owner Sarabjit Singh and the Dera as Sarabjit Singh has admitted that he would execute the sale deed in favour of Dera having received the sale consideration though he is in custody after having been convicted in a murder case.

Learned counsel for Sarabjit Singh has appeared in the case to affirm the matter having been compromised, so far as Harjinder Singh is concerned. Counsel appearing for Sarabjit Singh has submitted that he has

got no instructions to state about any compromise having arrived at between Joginder Singh and Sarabjit Singh.

So far as Joginder Singh is concerned, the petitioner had hatched the conspiracy with the beneficiaries and had handed over a sum of Rs. 10,000/- to the impersonator Sukhdev Singh who appeared on behalf of Sarabjit Singh, the original owner.

Learned counsel for the petitioner has submitted that the Vigilance Bureau does not have any jurisdiction in the present case as none of the accused involved in the case falls under the definition of 'public servant'. It is also submitted that Section 8 of the Prevention of Corruption Act, can not, in any manner, be invoked by the prosecution agency.

I have considered the facts and circumstances of the cases. It is premature to form any opinion regarding the locus standi of the prosecution agency which in the present case is Vigilance Bureau but role of Harjinder Singh, Numberdar having identified Sukhdev Singh, an impersonator of Sarabjit Singh as first witness is apparently a serious act which has caused wrongful loss to third party i.e. Sarabjit Singh and wrongful gain to another influential party, the Dera. His case cannot be equated with that of the co-accused Nirmal Singh, who has been granted the concession of pre-arrest bail as he was the second attesting witness and had been shown indulgence on account of being a patient of Cancer. Merely because Sarabjit Singh who is undergoing life imprisonment has now agreed to alienate his property to the Dera, the petitioner cannot take advantage of this. No doubt, Sarabjit Singh represented through his counsel has appeared and made an attempt to persuade this Court to believe that he has compromised the matter with the

vendee but it is not sufficient enough to grant concession of pre-arrest bail to petitioner Harjinder Singh. It is a glaring example where the authority is being misused by a Numberdar. No ground is made out to grant the concession of pre-arrest bail to petitioner Harjinder Singh, Numberdar. The petition bearing **CRM M-14042 of 2016 is thus dismissed.**

So far as petitioner Joginder Singh is concerned he has paid a sum of Rs.11000/- to Sukhdev Singh, the impersonator to facilitate the execution of sale deed by impersonator by securing identifiers and witnesses. No extraordinary exceptional circumstances exist to grant the concession of pre-arrest bail to petitioner Joginder Singh. The petition bearing CRM M-22276 of 2016, filed by petitioner **Joginder Singh**, is thus also dismissed. Nothing said in this order will prejudice the rights of the petitioners to seek the concession of regular bail.

August 1, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.