

CRM-M No.16175 of 2016 (O&M)

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**205-A IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

CRM-M No.16175 of 2016 (O&M)

Date of Decision : 27.09.2016

Prem Kumar Patwari

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.S.Dhami, Advocate
 for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. I.P.S.Sabharwal, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.38 dated 02.03.2016 registered under Sections 409/420/465/467/468/471/201/447/120-B IPC at Police Station City Nawanshahar, District SBS Nagar.

On 11.05.2016 the following order was passed:-

*“Petitioner apprehends arrest in a case registered at
the instance of Manjit Singh Virk an NRI alleging that in the*

year 2011, the complainant and his brothers had effected partition of their joint land. The mutation entry regarding partition was entered.

So far as the petitioner is concerned, the allegation against him is that being a revenue officer he had not entered mutation.

Counsel for the petitioner submits that as a matter of fact, the petitioner had entered mutation but it was cancelled later on by subsequent Patwari. It has been argued that whatever the petitioner had done was done under the orders of Tehsildar.

Mr.I.P.S.Sabharwal, Advocate, at this stage, has intervened on behalf of the complainant to oppose the application for pre-arrest bail contending that still there are contradictory mutation entries.

Notice to the Advocate General, Punjab, for 19.7.2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on 21.5.2016 or on any other day as required by the Investigating Officer. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.

Counsel for the complainant has raised an apprehension that the petitioner is still in a position to manipulate the revenue record. In case the petitioner of his own makes any entry during pendency of this petition, it will be open to the complainant to file a complaint to the senior revenue officers.”

Learned Additional Advocate General, on instructions from ASI Jarnail Singh accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 11.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

27.09.2016
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No