

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-29499-2016 (O&M).
Decided on: December 13, 2016.

Balwan Singh

.. Petitioner(s)

VERSUS

State of Haryana and another.

.. Respondent(s)

* * *

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

* * *

PRESENT Mr.Saurav Khurana, Advocate, for the petitioner.

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

Petitioner claims that he is being tried for accepting only a sum of Rs.2,000/- from the complainant, for conducting demarcation in favour of the complainant.

Counsel for the petitioner submits that the amount received by the petitioner who is working is Girdawar, is the legal remuneration for demarcation.

During the course of arguments, it transpires that challan has already been presented and the witnesses are being examined. Whether money received by the petitioner was illegal gratification or the legal amount of fee paid in accordance with procedure of law, will be a debatable issue to be decided by the trial Court.

In the exercise of inherent jurisdiction, it will not be feasible for this Court to determine the culpability of the petitioner on the basis of the material which is to be produced before the trial Court.

No ground is made out for interference.

The petition is dismissed.

However, taking into consideration the fact that the petitioner has got reasonably a good defence which is to be established on production of evidence, a direction is issued to the trial Court to make earnest endeavour to conclude the trial within a period of six months after the next date of hearing giving a fair opportunity to the petitioner to produce defence evidence. All the pleas taken up in this petition may be raised before the trial Court at opportune time as the charges have already been framed and evidence has also been produced before the trial Court.

(M.M.S. BEDI)
JUDGE

December 13, 2016.

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Whether speaking / reasoned

Yes / No

Whether reportable:

Yes / No