

CRM-M-33871-2016

Date of Decision : 10.11.2016

Virsa Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. G.L. Bajaj, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioner is Lambardar and had identified Raj Rani as Deepo who had already died in the year 1971, and received a cheque of compensation of land acquired, as per the complaint of Lovedeep Kumar.

Learned counsel for the petitioner has submitted that the petitioner had *bona fide* identified Deepo on the basis of the identity proof and on the basis of affidavit submitted by Deepo.

I have considered the contentions of learned counsel for the petitioner and learned State counsel and gone through the record. The petitioner apparently had knowledge about the death of Deepo who had actually died in the year 1971. He has misused his office of Lambardar by identifying a wrong person. It is the bounden duty of a Lambardar to undertake the function of identification of persons on the basis of personal knowledge, being Lambardar of a particular area. The misconduct of the petitioner has resulted in the compensation of acquisition of land of Deepo having gone to the impersonator Raj Rani.

The petitioner appears the main culprit who is responsible for the fraud. No ground is made out to grant the concession of pre-arrest bail to the petitioner.

It is further submitted by learned counsel for the petitioner that petitioner had genuinely and *bona fide* identified the impersonator without having any knowledge about her actual identity. The said act is a glaring act of misuse of authority by Lambardar.

Learned counsel for the petitioner has submitted that the petitioner is more than 75 years of age. In view of age factor, while dismissing the application, it is observed that his application for regular bail will be decided by the Court of competent jurisdiction, in case he surrenders before the investigating officer or the Illaqa Magistrate voluntarily, preferably within a period of one day.

(M.M.S. BEDI)
JUDGE

10.11.2016

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No