

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

***CRM No.M-43729 of 2015 (O&M)
Date of Decision: 30.03.2016***

Raj Kumar (Patwari)

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Deepender Singh, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.400 dated 04.07.2014, under Sections 420/467/468 IPC (Sections 471/120-B IPC added later on), registered at Police Station City Ballabgarh, District Faridabad.

Briefly, it may be noticed that the FIR was registered on the complaint made by Jafar Islamuddin @ Raju on the allegations that his father Marham Azzijuddin (since deceased) was in possession of a certain parcel of land comprised in khasra No.2371 as a lessee for a period of 99 years and when certain persons stored some bricks on such land, they came aware that on the basis of a forged sale deed mutation had been sanctioned for the same very piece of land in favour of Rajender Parshad.

The present petitioner has been implicated in the capacity

of a revenue official i.e. being Patwari and the accusation is that he had connived with the other co-accused and sanctioned the mutation illegally.

On 23.12.2015, while issuing notice of motion, this Court had directed the petitioner to join investigation and ad interim protection as regards arrest was granted.

On the subsequent date of hearing i.e. on 28.01.2016, petitioner had again been directed to appear before the Investigating Officer on 10.02.2016 as also to respond to a questionnaire that was to be put to him.

Learned State counsel upon instructions from ASI Satbir Singh would apprise the Court that the petitioner has since joined investigation. He would, however, oppose the prayer for grant of concession of pre-arrest bail by submitting that there was no basis on the strength of which the mutation had been sanctioned by the present petitioner.

Counsel appearing for the petitioner would, however, submit that the process of sanction of mutation involves not only the Patwari concerned but also senior officials i.e. the Kanungo and the Tehsildar and the mutation in question was sanctioned upto the level of the Tehsildar.

Counsel for the petitioner further submits that the necessary rectification and remedial action as regards the mutation concerned was already set in motion by the petitioner even prior to the registration of

the FIR i.e. on 22.04.2014 and in support of such contention, the document at Annexure P-4 i.e. copy of Rapat Roznamacha Waqiat for the year 2013-14 Patwar Circle Ballabgarh, Tehsil Ballabgarh, District Faridabad has been adverted to. The same is stated to be now pending approval before the Deputy Commissioner concerned.

In the light of the facts and circumstances noticed hereinabove and in view of the fact that the petitioner has already joined investigation, his custodial interrogation would not be warranted.

Petition is allowed. Order dated 23.12.2015 passed by this Court is made absolute.

Disposed of.

30.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**