

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.2218 of 2014 (O&M)

Date of Decision: 17.03.2016

Gram Panchayat Kamaskey

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. VK Sandhir, Advocate for the petitioner

Mr. Rajesh Bhardwaj, Addl. AG Punjab

Mr. Harinder Singh, Advocate
for respondents No.7 to 11, 15 & 17

Mr. Vishal Sodhi, Advocate for respondents No.12 to 14

SURYA KANT, J. (Oral)

(1) The Gram Panchayat of village Kamaskey, Block Chogawan, District Amritsar has filed the instant writ petition seeking quashing of the enquiry report dated 24.12.2013 of the Deputy Superintendent of Police (Detective) Rural, Amritsar exonerating the suspects who were involved in the illegal transfer of Gram Panchayat land measuring 117 kanal 14 marla and consequently cancelled the FIR No.198 dated 29.09.2012 under Section 420, 467, 468, 471, 120-B IPC registered against them at Police Station Lopoke, District Amritsar.

(2) It is not in dispute that pursuant to the directions issued by this Court for fresh investigation on 21.05.2015 and again on 26.11.2015, a supplementary challan has been presented under

Section 173(8) CrPC, according to which, some of the persons who were earlier left out have been found *prima facie* guilty.

(3) The Gram Panchayat, however, is still dissatisfied, as according to it, the investigating agency has still made an attempt to (i) protect the revenue officers/officials including the then Naib Tehsildar, Kanungo, Patwari etc. who were responsible for changing entries in the Revenue record; and (ii) the officials of Rehabilitation Department who passed the orders to execute sale deeds knowing fully well that the said Department was not the owner of the land.

(4) We have heard learned counsel for the parties.

(5) Since the investigating agency claims to have found the above-named officials innocent, it would not be expedient for this Court to express any views on merits except to grant liberty to the petitioner-Gram Panchayat to submit its objections against the report of the investigating agency before the learned Judicial Magistrate who shall consider such objections in accordance with law and if satisfied that a *prima facie* case is made out against the above-named officials and, if need be, shall summon them to face the trial. Since the Sarpanch of the Gram Panchayat is being threatened by the suspects who are allegedly involved in the land scam, we direct the Senior Superintendent of Police, Amritsar to ensure adequate security of the Sarpanch who must be allowed to fearlessly prosecute the case. Learned Judicial Magistrate will also pass appropriate orders in this regard.

(6) Having regard to the peculiar facts and circumstances of the case, learned Judicial Magistrate is further directed to expedite the trial and take it to its logical conclusion at the earliest but not later than one year.

(7) With these observations and directions, the writ petition stands disposed of.

(Surya Kant)
Judge

17.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge