

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. **Criminal Misc. No. M-10894 of 2016**

Prikshit @ Happy

....Petitioner

versus

State of Haryana

....Respondent

2. **Criminal Misc. No. M-30261 of 2016**

Raj Kumar @ Raju

....Petitioner

versus

State of Haryana

....Respondent

3. **Criminal Misc. No. M-8412 of 2017**

Ishwar Singh Malik

....Petitioner

versus

State of Haryana

....Respondent

4. **Criminal Misc. No. M-9808 of 2017**

Kuljeet Singh Dahiya

....Petitioner

versus

State of Haryana

....Respondent

Date of decision : May 09, 2017

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JK Singla, Advocate for petitioner-Prikshit @ Happy

None for petitioner Raj Kumar @ Raju

Mr. Sanjeev Manrai, Senior Advocate with
Mr. Malkit Singh, Advocate for petitioner-Ishwar Singh Malik

Mr. Partap Singh, Advocate, for petitioner-Kuljeet Singh
Dahiya

Mr. Munish Sharma, AAG, Haryana, for the respondent

Mr. A.S. Virk, Advocate, for the complainant
Complainant-Kulwant Singh also in person

Fateh Deep Singh, J. (Oral)

Since all the aforesaid four applications for regular bail under section 439 Code of Criminal Procedure preferred by petitioners/accused Prikshit @ Happy, Raj Kumar @ Raju, Kuljeet Singh Dahiya and Ishwar Singh Malik having arisen out of the same very FIR No. 261 dated 3.6.2014 under sections 406/420/467/468/471/120-B IPC, Police Station Butana District Karnal, for the sake of brevity and convenience are being taken up and disposed off together.

The factual scenario as has been brought to the notice of this Court are that on the complaint of complainant Kulwant Singh, the present case was got registered but during the course of the same orders of this Court had given fresh impetus to the investigations and as is the stand of the State it transpired that one Ram Prashad accused who happens to be grandfather of co-accused Prikshit @ Happy claiming himself to the owner of three plots of land denoted as 114-D, 115-D and 143-A in Model Gram Arjaheri alienated the same through three sale deeds in favour of his grandson Prikshit @ Happy and who further in connivance with his co-accused Mohan Lal father of petitioner Prikshit, Ishwari Devi, Sarpanch, petitioner Raj Kumar Member Panchayat, Nanki Devi mother of petitioner Raj Kumar, Desh Raj, Meena Rani his wife, Amit son-in-law of Desh Raj,

Arjun Lohar, Jaspal and others tried to commit fraud with the complainant by selling the same to him.

The role attributed to Prikshit @ Happy of being beneficiary of these plots which in fact is owned by the Government and were never allotted as claimed by these accused and Plot No. 143-A does not exist and has been fraudulently denoted by such a number. The role attributed to Kuljeet Singh Dahiya is that while posted as BDPO, Karnal in connivance with other accused had given NOC of these plots for their transfer contrary to the truth whereas accused Ishwar Singh Malik while posted as Naib Tehsildar (now retired) had been instrumental in registering the sale deeds without verifying the true situation in the records whereas accused Raj Kumar @ Raju while being Member Panchayat of village Arjaheri had verified and attested the same. Out of these innumerable accused, five accused have been arrested and it is stated by the learned State counsel that petitioner Prikshit @ Happy and Raj Kumar @ Raju are facing similar other four criminal cases and have been instrumental in forging signatures on the bogus treasury challans before registering sale deeds and have tampered with the revenue records in connivance with the official accused.

Learned counsel for the petitioners have submitted that Prikshit @ Happy is in custody since 20.2.2015 though was initially arrested on 3.6.2014 and that Kuljeet Singh Dahiya petitioner is in custody since 19.11.2016 submitting vociferously that as per the functions of the Naib Tehsildar/Attesting Authority of the sale deeds by virtue of Rule 128 and

135 of the Haryana State Registration of Documents Rules, he was not supposed to go into the details of the legal status of the property so being alienated and is in custody since 15.11.2016 and there is no semblance of evidence against him. Though on behalf of Raj Kumar @ Raju none has come present inspite of repeated pass overs but the allegations against him are that he verified and attested these documents by virtue of being Member Panchayat of the village knowingly fully aware of the machinations of his co-accused.

The bail applications are stoutly opposed by the learned State counsel submitting that keeping in view the seriousness of the allegations and the heinousness of the crime and that the SIT so constituted by this Court is already unearthing the gamut of these scandals which has its ramification in more than five districts of the State of Haryana and if allowed bail to the petitioners they will influence the prosecution witnesses and jeopardize the fair trial.

Appreciating the submissions of the two sides, prima face allegations certainly spell out how such land belonging to the State meant for welfare purposes has been usurped by the influential persons in connivance with the revenue officials who were supposed to safeguard the interest of the State in their respective areas are matters of serious concern. It is not disputed by any means that other FIRs pertaining to such wrong doings are being investigated and there is allegation of forgery of treasury challans for facilitating registrations of the sale deeds. Thus the allegations

prima facie are of very serious nature. Petitioner Kuljeet Singh Dahiya and Ishwar Singh Malik being officials of the government have misused their official positions and thus have misconducted themselves. In the light of this apprehension of the State which is not unfounded that if allowed bail they will influence the witnesses who are of the same very area and may also influence the investigations pertaining to other plots in various districts which are at crucial stage impels this Court to take a strict view and to thwart any such wrong doings and to ensure that such persons are strictly dealt with in accordance with law impels this Court to decline all the bail applications at this stage. Accordingly, all the bail petitions are dismissed.

Records be sent back.

In the light of the orders of this Court dated 21.11.2016, the SIT would submit further report of their findings pertaining to similar cases in other districts.

List the matter separately for 19.7.2017.

May 09, 2017
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No