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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: July 20, 2017
CRM-M-22204 of 2017

Balkaran SinghPetitioner

Versus

State of HaryanaRespondent

CRM-M-22389 of 2017

Balkaran SinghPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

A.B. CHAUDHARI, J (Oral)

By this common order, above said two petitions would be disposed of.

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.280 and 279, dated 04.10.2016, under Sections 218, 406, 420, 467, 468, 471, 120-B, 409 of Indian Penal Code, 1860 and Section 7/13 of Prevention of Corruption Act, 1988, registered at Police Station Kalanwali, District Sirsa.

The prosecution allegations are that the petitioner acting as Junior Engineer had misappropriated the total amount of ₹15 lakhs approximately in all the cases (subject to correct verification), payable to

the DHVBN, Kalanwali. The petitioner was arrested in September 2015 and is in jail since then. Challan has admittedly been filed. This Court, prima-facie, found that the amount misappropriated ought to be secured being the public money and that is why, vide order dated 14.07.2017 asked the petitioner to file details of the property owned by him and his family members for attachment. Now, there is an affidavit filed by the Ritha Singh son of Saddu Singh. Paras 1 and 2 of the said affidavit are quoted hereunder:-

“1. That I am father of Balkaran Singh.

2. That Balkaran Singh do not own any property in his name and ancestral property bearing agricultural land situated at Village Khokhar is in the name of my father S. Saddu Singh and mutation of the land is yet to be transferred/ sanctioned in my name and my share in the ancestral land is one twenty marla (Six kanals) and further the share of Balkaran Singh in the ancestral land comes to 1/10th share of one hundred twenty marlas comes to Twelve marlas and that too will be sanctioned in the name of Balkaran Singh after my death.

Apart from the agricultural land, we have owned ancestral house in the village in which my family including Balkaran Singh resides and there is no other property owned or possessed by Balkaran Singh. In addition to this one movable property Maruti Ritz car model 2013 bearing Reg. No.HR25D1188 (hypothecation with Magma Finance Co. Ltd.) and one motor cycle Bajaj Kawasaki Boxer CT bearing No.HR25A5130, Model 2002 is also owned by Balkaran Singh.”

As per the said affidavit, the share of the petitioner would be

12 marlas in the ancestral agricultural land situated in village Khokhar.

There is also a statement in the affidavit that the exact quotation has not been been carried out as the property is in the name of father of Ritha Singh. That may be so, but then the attachment can always be made to the extent of 12 marlas on the said agricultural land stated in the affidavit.

In that view of the matter, Revenue Department of Haryana Government, Tehsil Kalanwali, District Sirsa is directed to make entry in the mutation register about the property to the extent of 12 marlas as stated in the above said affidavit, for attachment, in relation to FIR in question and shall accordingly, notify the same as per Rules. Accordingly, said attachment mutation shall be carried out within a period of 2 weeks from today. The concerned Tehsildar shall oversee the entire exercise and shall make report, if there is any mischief.

In view of the above order, I think, further detention of the petitioner as under trial is not necessary since the trial will take its own time.

In that view of the matter, these petitions are allowed. Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, subject to attachment of property as stated above. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

July 20, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No