

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

CRL. MISC. No.M-26656 OF 2017 (O&M)
DATE OF DECISION : 18th SEPTEMBER, 2017

Daljit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CRL. MISC. No.M-27545 OF 2017 (O&M)

Jasminder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Harsh Garg, Advocate
for petitioner-Daljit Singh.

Mr. R. S. Randhawa, Advocate
for petitioner-Jasminder Singh

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

Mr. Sukhmeet Singh, Advocate for the complainant.

* * * *

A. B. CHAUDHARI, J. (ORAL)

The petitioners have filed these petitions under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.02 dated 10.05.2017, registered under Sections 7/8/13(2) of Prevention of Corruption Act, at Police Station Economic Offence Wing, Punjab Vigilance Bureau, Ludhiana.

Heard learned counsel for the rival parties.

The prosecution allegation, against the petitioners in these two petitions, are that petitioner-Jasminder Singh has been working under the Tehsildar, Sahnewal, SDM II, Ludhiana, had engaged the services of another petitioner-Daljit Singh and one Gurjit Singh though they are not the public servants. Obviously the Patwari must have engaged them in order to get rid of being caught red handed while accepting the money and that is the *modus operandi* in these offences.

Insofar as, the present case is concerned, learned counsel for the complainant as well as the learned State counsel contended that under the signatures of Patwari, signed forms were recovered from the petitioner-Daljit Singh. There is, therefore, reason to believe that in the office of Patwari under the nose of Tehsildar, Sahnewal, SDM II, Ludhiana the hanky-panky business of acceptance of bribe through agents like the petitioner-Daljit Singh and Gurjit Singh has been going on.

Since the recovery has been made, in my opinion, the proper course of action is to ask the Deputy Commissioner, Ludhiana to proceed departmentally against these officers, including the Tehsildar, Sahnewal, SDM II, Ludhiana and hold enquiry against them and thereafter take decision, in accordance with law within six months from today.

Since the recovery is effected, the complainant is entitled to participate in the departmental enquiry. However, as far as the plea for anticipatory bail is concerned, no purpose will be served in declining the concession of bail since the documents in question are under the signatures of the Patwari.

In that view of the matter, I think the holding of departmental enquiry would be proper course of action in order to weed out such elements. The Deputy Commissioner, Ludhiana is also directed to conduct raids on the office of concerned Patwari and all the offices of Patwaris in the whole District to find out such elements.

In that view of the matter, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-26656 OF 2017 and CRL. MISC. No.M-27545 OF 2017, are allowed.
- (ii) Interim orders dated 26.07.2017 and 31.07.2017 passed in CRL. MISC. No.M-26656 OF 2017 and CRL. MISC. No.M-27545 OF 2017 respectively, are made absolute.
- (iii) The Deputy Commissioner, Ludhiana to proceed departmentally against these officers, including the Tehsildar, Sahnewal, SDM II, Ludhiana and hold enquiry against them and thereafter take decision, in accordance with law within six months from today.

18th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>