

1) Date of Decision: June 02, 2017
Crl. Misc. No.M-2933 of 2017 (O&M)

2) Crl. Misc. No.M-10511 of 2017 (O&M)

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Pursuant to the order dated 01.06.2017, i.e. yesterday, the Registers 'Parat Patwar' and 'Parat Sarkar', in respect of 'Jamabandis' for the years 1977-78 and 1982-88, have been produced in Court. As regards the Register for the year 1977-78, a perusal thereof shows that in the register 'Parat Sarkar', the name of Harjiwan Singh finds no mention at all; however, in the register 'Parat Patwar', the name of Harjiwan Singh finds mention across columns no.7 and 8, showing him to be the son of Mukhtiar Singh

and in possession/ownership of 270 shares.

Seemingly, what was produced in Court by the learned counsel for the petitioner yesterday, showing it to be a document received under the Right to Information Act, 2005, was a copy of the register 'Parat Patwar' for the year 1977-78 and not the register 'Parat Sarkar'.

It is to be noticed at this stage itself, that though certified copies of the aforesaid document are shown to have been produced in Court, the accompanying reply to the applications made under the RTI Act has not been produced in Court; hence, nothing further is stated on that particular aspect.

Mr. G.S. Benipal, District Revenue Officer, Ludhiana, who is present in Court, has pointed to the fact that as regards khatauni no.1669, khasra nos.5043/309, the said tract of land consists of 2266 shares, as can be seen from column no.4 of the said register.

He submits that if the entire number of shares given in the register 'Parat Patwar' for that year is seen, the 270 shares shown to be in the possession/ownership of Harjiwan Singh, goes over and above the 2266 shares actually existent on the said land.

Coming to the registers for the year 1982-83, the register 'Parat Patwar' again contains the name of Harjiwan Singh, but as regards the register 'Parat Sarkar', it is stated that the page pertaining to khewat/khata no.1562/1463, khatauni no.1722, is torn out from the register.

Learned counsel for the petitioner at this stage has pointed out that in the affidavit of the Assistant Commission of Police, dated

04.05.2017, it is stated that the name of Harjiwan Singh is not present in the register 'Parat Sarkar' and today the stand is that the page itself is missing.

It has been further stated by the District Revenue Office that even in the registers 'Parat Patwar' and 'Parat Sarkar', corresponding to the Jamabandi for the year 1992-93, the same position exists as exists for the year 1977-78, i.e. the register 'Parat Sarkar' does not contain the name of Harjiwan Singh at the relevant place, whereas the register 'Parat Patwar' does have his name.

As regards the registers for the year 1977-78, it is very obvious that there is a glaring discrepancy between the two registers ('Parat Patwar' and 'Parat Sarkar') with the register 'Parat Patwar' showing Harjiwan Singhs' name, which is not shown in the register 'Parat Sarkar'.

Prima facie therefore, the inference with regard to the registers pertaining to the Jamabandi for the next 'jamabandi' following, i.e. 1982-83, would also go against the presumption of Harjiwan Singhs' name having been present in the register 'Parat Sarkar', with the relevant page stated to be torn out from the said register.

Keeping in view the aforesaid facts, both these petitions are being disposed of with the directions given hereinafter.

CRM-M-2933-2017

This petition seeks a fair investigation in case FIR no.4, dated 07.01.2016, registered for the alleged commission of offences punishable under Sections 447, 448, 465, 467, 468, 471, 511, 506 and 120-B IPC, at Police Station Jodhewal, District Ludhiana. It is disposed of with a direction

to the official respondents to ensure that all aspects of the case are investigated in detail, including what has been specifically noticed herein above in this order, with regard to the discrepancies in the registers 'Parat Patwar' and 'Parat Sarkar' for the relevant years, and the factum of one page stated to be missing from the register 'Parat Sarkar' pertaining to the Jamabandi for the year 1982-83, as also whether the information supplied under the RTI Act was correct information or not.

Obviously, all the parties will be at liberty to avail their remedies under the provisions of civil as well as criminal law, this still being a stage of investigation.

The interim order dated 24.04.2017 stands vacated.

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As regards this petition, it has also been filed by the same petitioner, Jatinder Pal Singh. The petitioner seeks transfer of the investigation in case FIR no.46 dated 24.02.2017 registered at Police Station Division no.6, alleging therein the commission of offences punishable under Sections 447, 448, 465, 467, 468, 471, 511, 506, 120-B IPC. Transfer of the investigation is sought outside the jurisdiction of the Commissionerate of Ludhiana, either to any other District outside Ludhiana or to the Special Investigation Team.

The petition is allowed to the extent that the matter is directed to be investigated by the Crime Branch of the Punjab Police, Chandigarh.

As learned counsel for the petitioner is expressing apprehension of “strong arm” methods by the investigating agency, needless

to say, all investigation to be carried out would be carried out by the investigating agency as per the procedure and provisions stipulated in the Code of Criminal Procedure, 1973.

A copy of this order be placed on the file of the other connected matter too.

June 02, 2017
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(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: No