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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-42184 of 2017
Date of decision: November 13, 2017**

Gurmail Singh Patwari

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Nirmaljeet Singh Sidhu, Advocate
for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties, finally.

The petitioner who is working as a Patwari seeks anticipatory bail in FIR No.312 dated 16.10.2017, under Sections 7, 8, 13(1)(A) and Section 13(1)(D)(i) of Prevention of Corruption Act, 1988, registered at Police Station Talwandi Sabo, District Bathinda.

The complainant alleged in the FIR (Annexure P-1) that in the year 2014, he wanted to get mutation carried out in respect of land in exchange and had applied with the concerned Patwari. However the concerned Patwari demanded bribe money of Rs.2,50,000/- and according to him that was paid by the petitioner and in the FIR, it has been further stated that he neither returned the money nor completed the process of recording of mutation, which was actually thereafter done by

Mohinder Singh Patwari.

Learned counsel for the petitioner has brought to my notice the documents. According to him the application for carrying out mutation was made by the complainant on 25.07.2014. The preliminary entry was taken by the petitioner on 30.07.2014 and thereafter, the Competent authority sanctioned the same on 29.08.2014. He submits that after a period of three years, FIR has been lodged against the petitioner as above.

Counsel for the complainant has also been heard. He submits that the complainant being a farmer and illiterate person, FIR came to be lodged after three years. He also submits that the petitioner is a habitual offender and one more FIR No.20 dated 25.03.2013, under Sections 420, 465, 467, 474 & 120-B of Indian Penal Code, registered at Police Station Balianwali, District Bathinda, also came to be lodged against him.

In my opinion, in view of the fact that the mutation was in fact carried out immediately after five days i.e. on 30.07.2014 and the fact that the sanction was accorded on 29.08.2014, the delay in lodging the FIR is such that the petitioner cannot be allowed to be arrested.

In that view of the matter, leaving the complainant to take up such other remedy as available in law, the following order is passed:-

ORDER

Rule is made absolute in terms of the prayer clause reads as under:-

“It is, therefore respectfully prayed that present petition may kindly be allowed and this Hon'ble Court may be pleased to:-

- (i) Release the petitioner on bail in the event of his arrest in the interest of justice.*
- (ii) Grant interim Anticipatory Bail to the petitioner during the pendency of the present petition in this Hon'ble Court.*
- (iii) Exempt the filing of certified/original copies of Annexures with permission to place on record translated copies/photocopy of the same.”*

(A.B. CHAUDHARI)
JUDGE

November 13, 2017
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Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No