

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No. 2 of 2017

Date of Decision: January 10, 2017

Jagroop Singh, Patwari

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Naveen Sharma, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

The instant revision petition is directed against the order dated 9.11.2016 passed by the learned Special Judge, Ludhiana whereby the petitioner has been charge-sheeted under Section 120-B of the Indian Penal Code and Sections 7, 13(2) of the Prevention of Corruption Act (for short 'the P.C.Act') in case FIR No.1 dated 19.2.2016, registered under Sections 120-B, 7, 13 (2), 8 of the P.C.Act at Police Station Vigilance Bureau, Ludhiana.

2. Briefly noticed, the accusation against the petitioner is that while serving on the post of Patwari in the Revenue Department, State of Punjab, he had demanded and accepted a bribe amount of ₹3,000/- from the complainant so as to facilitate furnishing of a copy of the 'fard' after making an entry as regards a loan and the petitioner thereafter having been caught red-

handed by a raiding party and recovery of the bribe amount having been effected.

3. Learned counsel appearing for the petitioner has raised a two-fold submission. It is contended that the allegation as regards accepting bribe of ₹3,000/- on 19.2.2016 is on the face of it false and not believable as the necessary entry in the revenue record qua the increased bank limit concerning the complainant had already been made prior in point of time i.e. on 16.2.2016. In support of such contention, document at Annexure P2 has been adverted to and it is submitted that the necessary entry/document has been prepared in a digital manner and could be obtained from any of the Suvidha Centres run by the State Government and, accordingly, there was no occasion for the petitioner to have demanded the bribe amount. The second submission is with regard to false implication at the hands of Jasbir Singh, Patwari. Towards such contention, it is submitted that the petitioner has been in service with the Revenue Department since 12.1.1981 and was due for promotion shortly to the post of Kanungo. It is argued that the petitioner has been implicated at the instance of Jasbir Singh, Patwari in connivance with certain other junior officials who were below the rank of the petitioner in the seniority list and which was to be operated in the near future and benefit of promotion was to be granted to the petitioner.

4. Learned counsel for the petitioner has been heard at length.

5. Pleadings on record would indicate that complainant in

the present case is Swaran Singh. Complainant claimed himself to be an agriculturist and having about three killas of land. He had obtained a Bank limit of ₹7 lacs from the Punjab and Sind Bank, Jodha Branch, District Ludhiana against his land and was now getting the Bank limit enhanced to ₹12 lacs. It was alleged that to facilitate the enhancement of the Bank limit and as per Bank procedure and rules, the necessary entries were to be made in the revenue records and for which application had been filed with the office of Sub Registrar (Central), Ludhiana and which was marked to the Kanungo and further marked to the Area Patwari. In such connection, the complainant is stated to have visited the office of the present petitioner who was working as the Area Patwari and in the presence of co-accused Gurpreet Singh, the petitioner had raised a demand of ₹5,000/- as bribe over and above the Government fee for recording of the loan entry in the revenue records and for issuance of the 'fard'. Complainant stated that at that point of time, he had expressed his inability to pay such amount and on which, the Patwari (present petitioner) had told him to talk to Gurpreet Singh, co-accused. Further allegations are that on 18.2.2016, the complainant had contacted Gurpreet Singh who, in turn, assured that he would get the work done against a reduced bribe amount of ₹3,000/-. Complainant alleged that conversation with Gurpreet Singh had been duly recorded. The complainant then having come back to the village narrated the entire episode to his friend Jarnail Singh and then it was decided to report the matter to the Vigilance Department. Having done so, a raiding party is stated to have been constituted

and on 19.2.2016, the present petitioner was caught red-handed with the bribe amount of ₹3,000/-.

6. The grievance of the petitioner of having been served with a charge sheet under Section 120-B of the Indian Penal Code and Sections 7, 13(2) of the P.C.Act is not well founded. Prima facie, the material adverted to and presented by the prosecution was sufficient for framing the charges against the petitioner-accused under the said Sections.

7. At the stage of charge sheet, the material relied upon by the prosecution is not to be scrutinized meticulously. Even a strong suspicion of commission of offence and involvement of the accused is sufficient to frame the charges. In **State of Bihar v. Ramesh Singh, AIR 1977 SC 2018**, the Hon'ble Supreme Court had held that if at the initial stage, there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused.

8. In **State of Orissa v. Debendra Nath Padhi, 2005 Supreme Court Cases (Crl.) 415**, a Constitution Bench of Supreme Court held that at the time of framing of charge, the trial Court can consider only the material produced by the prosecution.

9. It is by now well settled that at the initial stage when the Court is required to consider the question of framing the charges, there is no requirement to formulate an opinion about prospects of conviction. Only the test of a prima facie case is to be applied. The Court has to be satisfied only about the prima

facie existence of the factual ingredients constituting the offence as laid down under Section 227 of the Code of Criminal Procedure.

10. In view of the above, this Court finds no illegality or perversity in the impugned order passed by the learned trial Court while framing of charges and as such, the present revision petition is dismissed being devoid of merit.

11. Dismissed.

January 10, 2017

SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: *Whether speaking/reasoned?* *Yes/No*
 Whether Reportable? *Yes/No*