

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. Nos.39833 and 44541 of 2018

and

Criminal Misc. No.M-41229 of 2018

.....

Date of decision:17.12.2018

Kamal Nayan

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. A.P.S. Deol, Senior Advocate with Mr. H.S. Deol, Advocate
for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana
for the respondent-State.

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Inderjit Singh, J.

Cr. Misc. Nos.39833 and 44541 of 2018:

For the reasons mentioned in the criminal miscellaneous applications, the additional documents in the form of Inquiry report dated 25.9.2018 in case FIR No.411 dated 1.11.2018 as well as representation dated 1.11.2018 and copy of Reference dated 9.9.2004 made by Land Acquisition Officer, Urban Estate, Panchkula, certified copy of judgment dated 24.1.2014 passed by learned Additional District Judge, Panchkula in Land Reference No.353 dated 9.9.2004 under Sections 18 and 30 of the L.A. Act and certified copy of execution application filed by Harmala Kaur and Rattanmala Kaur dated 22.2.2014 for payment of compensation respectively attached therewith are taken on record subject to just all

exceptions.

The criminal miscellaneous applications are allowed.

Cr. Misc. No.M-41229 of 2018:

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.4 dated 28.8.2017 (wrongly typed as 31.7.2017 in the certified copy of bail order) registered for the offences under Sections 218, 406, 409, 420 and 120-B IPC and Section 13 (i)(c), 13 (i)(d) and 13(2) of the Prevention of Corruption Act, 1988 at Police Station State Vigilance Bureau, Haryana, Panchkula.

Notice of motion has been issued in this case.

Ms. Palika Monga, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned senior counsel for the petitioner argued that the present petitioner is only to do calculation work to check the calculations regarding land acquisition. He argued that the case of the prosecution is that about 60 Crores have been paid in excess in view of the wrong calculations. Learned senior counsel argued that it was the work of the Revenue authorities to determine the share in the agriculture land and also as to how much compensation they are entitled. The present petitioner being Section Officer is only to cheque the calculations.

The petitioner has been in judicial custody since 5.7.2018. The

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trial of the case is likely to take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case and the fact that the present petitioner does not belong to Revenue Department and he is only a Section Officer and his main duty was to check the calculations etc., this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

December 17, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No