

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision : 29.5.2019

104 CRM-M-1708-2019 (O&M)

Malwinder Singh

....Petitioner

vs.

State of Punjab

....Respondent

104-A CRM-M-2233-2019 (O&M)

Harcharan Singh

....Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. J.S.Dadwal, Advocate
for the petitioner in CRM-M-2233-2019.

Ms. Arshdeep Kaur, Advocate for
Mr. Sukhjit Singh, Advocate
for the petitioner in CRM-M-1708-2019.

Mr. Pawan Sharda, Senior DAG, Punjab.

AJAY TEWARI, J. (Oral)

This common order shall dispose of abovesaid two petitions as
they arise from the same FIR.

These petitions have been filed under Section 438 Cr.P.C for
grant of anticipatory bail to the petitioners in case FIR No. 0170 dated
11.12.2018 registered under Sections 379/409 and 120-B IPC and Section 7.

13 (2) of Prevention of Corruption Act, 1988 and Sections 21 and 22 of Mines and Minerals (Development and Regulation) Act, 1957 at PS Kot Ise Khan, District Moga.

The allegations in the FIR were that shamlat of Gram Panchayat village Janer was leased out for levelling at a very paltry rate because the land was highly uneven. The Sarpanch-Malwinder Singh who is petitioner in **CRM-M-1708-2019** got permission from the department to level the land and it was further stated that earth removed was kept in Red Cross Complex (level of land was 6 feet below to the surrounding land) in the year 2015. Late on, it was discovered that at the time of levelling about 3,20,000 Tonnes earth was removed and only about 4000 Tonnes was deposited in the Red Cross Complex and it is in those circumstances that the FIR was lodged.

Counsel for the petitioners have argued that the delay in lodging the FIR itself entitles the petitioners to bail. Moreover, as a result of levelling, the land which was earlier leased out Rs. 1 lakh per year now have been leased out Rs.6 lakhs per year.

Learned Senior DAG on instructions from BDPO Sukhwinder Singh has argued that on the pretext of levelling 21 Acres of land, the petitioners have eroded the panchayat land about 8 feet lower than the surrounding land and there is a strong possibility that both the petitioners who were Sarpanch and Panchayat Secretary were able to obstruct the investigation.

The case of the petitioner-Harcharan Singh in **CRM-M-2233-2019** who is Panchayat Secretary is that he had written a letter dated

27.5.2015 informing the superiors authority about the illegal action of the Sarpanch. Learned Senior DAG states that the said letter was never received in the office.

Be that as it may. In my considered opinion and in view of the facts and circumstances of the case, concession of anticipatory bail should not be granted to the petitioners.

Both the petitions stand dismissed.

Since the main cases have been dismissed, the pending criminal miscellaneous application, if any, also stands dismissed as such.

29.5.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No