

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CRM-M-4902-2019 with CRM-5444-2019
DATE OF DECISION: 08.05.2019**

MOHINDER SINGH SANGWAN

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. L.S. Chahal, Advocate for the petitioner(s).

Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

CRM-5444-2019

This application is for addition of Sections 13(1)(c), 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988 in the headnote as well as in the prayer clause of the main petition.

Learned counsel for the applicant/petitioner contends that these sections were left out by the petitioner inadvertently but those had been added by the investigating agency when the 'challan' was presented under Section 173(2) Cr.P.C. before the trial Court.

For the reasons stated in the application, the same is allowed and the aforementioned sections are ordered to be added in the headnote as well as in the prayer clause of the main petition.

MAIN CASE

The petitioner is seeking regular bail in FIR No.411 dated 28.08.2018, under Sections 420, 406 and 120-B IPC and Sections 13(1)(c), 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station Sector 5, Panchkula, District Panchkula.

Learned Senior counsel for the petitioner contends that the allegations against the petitioner are that while he was posted as Land Acquisition Officer, he had disbursed enhanced compensation to those landowners whose SLPs had been dismissed by the Supreme Court *in limini* on the ground of delay. He, however, contends that the compensation, which was disbursed to the landowners, was on the basis of the compensation which had been enhanced for the same acquisition by the Supreme Court pertaining to another set of claimants in the case of **Ashrafi & Ors. Vs. State of Haryana & Ors.** reported as **2013 (2) RCR (Civil) 856**. These landowners had sought enhanced compensation on parity with claimants in the case of **Ashrafi & Ors. Vs. State of Haryana and Ors.** (Supra) as the land was acquired by the same notification. He also contends that there is no allegation against the petitioner of having received any kickback or illegal gratification. It is also not the case of the prosecution that any person, whose land was not acquired by the same notification, was paid the enhanced amount of compensation. He also contends that the petitioner has rendered service of 30 years and is in custody for over 6 months ever since his arrest on 15.10.2018. He further contends that the other co-accused, who are the beneficiaries having received the compensation, have been granted the concession of interim anticipatory bail by the Coordinate Benches of this Court. The 'challan' has been filed. The copies of the orders granting interim anticipatory bail have been annexed as Annexure P-16 (Colly.).

Learned State counsel, upon instructions from Inspector Suresh Kumar, contends that while illegally disbursing compensation of several crores, the petitioner has caused a huge loss to the State exchequer. The petitioner had entered the case numbers, which pertain to the judgments of other High Courts and has, thus, paid enhanced compensation to those landowners whose SLPs were dismissed.

Learned State counsel, however, is not in a position to controvert the submissions of the learned counsel for the petitioner that no money or any kickback has been received by the petitioner or he has otherwise been personally benefitted from the disbursal of the compensation.

Heard.

It is, thus, manifest that the petitioner is alleged to have disbursed compensation to those landowners/claimants whose SLPs were dismissed on account of delay. The compensation is stated to have been paid at the rate of enhancement by the Supreme Court in the case of other claimants/landowners arising out of same acquisition. There is no allegation that the petitioner has personally derived any benefit or received any illegal gratification or that any of the beneficiaries is related to him. He is in custody for over 6 months. The ‘challan’ has been filed.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

08.5.2019

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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