

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.5017 of 2019 (O&M)
Decided on: 25.03.2019

Sunder Pal Singh @ Babli

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Pawan Kumar Mutneja, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Vishal Garg Narwana, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.2 dated 12.01.2019 registered under Sections 419, 420, 170 IPC at Police Station Boha, District Mansa.

The operative part of the order dated 01.02.2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Counsel for the petitioner submits that the petitioner was appointed as a Numberdar by the competent authority, i.e. Deputy Commissioner, Mansa. Thereafter, in an appeal filed by the other party, the Commissioner, Faridkot Division, Faridkot, set aside the order of the Deputy Commissioner and against that order, the petitioner preferred an appeal before the Financial Commissioner (Revenue), Chandigarh.

It is further submitted that in the intervening period Sanad Numberdari was issued in favour of the petitioner and he continued as Numberdar. The Financial Commissioner, vide order dated 27.5.1998 remanded the

case back with a direction that after inviting fresh applications for the post of Numberdar, the post of Numberdar be filled afresh. However, till date no Numberdar has been appointed in pursuance of the order passed by the Financial Commissioner (Revenue), Chandigarh.

Counsel for the petitioner has further submitted that on coming to know about the order passed by the Financial Commissioner, he had deposited the total amount of Rs.1,31,790/-, i.e. the amount of earned honourarium along with interest as on 18.7.2017 in government treasury and when the Deputy Commissioner had issued an order, he stopped working as Numberdar. However, in the intervening period when the petitioner was working as Numberdar, there was no complaint from the general public.

Counsel for the petitioner further submits that the FIR has been registered after much delay on 12.1.2019 on the ground that despite the order of the Financial Commissioner, he continued to work as Numberdar.

Counsel for the petitioner further submits that the order of the Financial Commissioner was not in the knowledge of the petitioner and even department was not aware and the complaint against the petitioner was filed only in the year 2019.

Notice of motion for 25.03.2019....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 01.02.2019, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State assisted with counsel for the complainant and on instructions from ASI Bhupinder Singh, has not disputed the aforesaid fact and submits that the petitioner is no more

required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 01.02.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

25.03.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No