

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24853-2016 (O&M)
and other connected cases
Date of Order:26.09.2019

Gurpreet Singh and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Batra, Advocate, for the petitioners.
Mr. Bhupender Beniwal, AAG, Punjab
Mr. Amit Khatkar, Advocate, for respondent no.5
Mr. K.D.S.Sodhi, Advocate, for respondent no.6.
Mr. B.S.Randhawa, Advocate, for respondents no.7 and 8
Mr. H.S.Jugait, Advocate, for respondent no.9.
Mr. B.B.Bagga, Advocate, for respondent no.10.

ANIL KSHETARPAL, J.

By this order CRM-M-24853-2016, CRM-M-33931-2016 and
CRM-M-38738-2016, shall stand disposed of.

Through the present petitions filed under Section 482 Cr.P.C.,
prayer has been made to issue directions to respondents no.2 and 3 to take
appropriate legal action by constituting a Special Investigating Team of
Higher Officials to investigate the fraud committed by respondents no.5 to
10 and further call for status report in the land compensation scam whereby
the petitioners and others have been duped of 40% of the compensation
payable to them by misusing their blank signed cheques.

In the present petition, petitioners claim that their properties
were acquired for widening maintenance of National Highway No.21 and in
order to compensate the land owners, Sub Divisional Magistrate, Anandpur

Sahib while exercising powers of the competent authority under the National Highways Act 1956 passed an award dated 21.09.2015. However, in collusion with certain advocates, 40% of the amount which was paid as compensation has been withdrawn through blank signed cheques. Petitioners pray that since the amount has been withdrawn to the extent of 40% on the same day, therefore, this court should pass an order as prayed for in the petition.

Pursuant to notice, reply by way of affidavit of Deputy Superintendent of Police was filed, in which it was stated that on examination of CCTV footage of the bank, it has been found that some of the petitioners themselves had withdrawn the amount. It was also brought to the notice of this Court that enquiry in the aforesaid matter has been carried out and statements of 151 beneficiaries have been recorded and no illegality has been found. Another reply by way of affidavit of Deputy Commissioner, Rupnagagr was also filed, in which a similar stand was taken. It was brought to the notice of the Court that the amount has been withdrawn by the petitioners or their counsels. It has further been stated that Enquiry has also been got conducted from the Additional Deputy Commissioner, Rupnagar but the allegations were found false. Detailed enquiry report has been attached.

Now, at this stage, this Court is called upon to order or not the constitution of Special Investigation Team or pass further orders.

In the considered view of this court, powers under Section 482 Cr.P.C. are to be exercised in exceptional circumstances/sparingly. The High Court cannot be expected to direct roving enquiry into the wild allegations made. Already more than three enquiries have been held. CCTV

footage of the bank has also been examined. 151 property owners have been joined.

Keeping in view the aforesaid facts, this Court considers its appropriate to relegate the petitioners to alternative remedy available in law.

Hence, all the petitions are disposed of.

26th September, 2019
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(ANIL KSHETARPAL)
JUDGE

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