

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-40226-2018

Date of decision: 24.05.2019

Mahinder Pal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. PC Yadav, Advocate for the petitioner.

Mr. RK Makkar, Sr. DAG, Haryana.

Mr. Bhaskar Sharma, Advocate for respondent No. 5.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., the petitioner has prayed for issuance of a direction to respondents No. 2 and 3 to protect the life and liberty of the petitioner, at the hands of respondent No. 5 and his associates and also for taking legal action against him by conducting proper and fair investigation.

Vakalatnama filed on behalf of respondent No. 5 is taken on record. Be tagged at the appropriate place.

At the outset, learned State counsel filing reply by way of affidavit of Sh. Om Parkash, Assistant Commissioner of Police, Panchkula, submits that ₹ 70 crores in excess was disbursed to the land owners, on different dates over and above to their entitlement, in willful connivance and conspiracy of the petitioner with them. Therefore, FIR No. 0410 dated 27.08.2018 under Sections 116, 119, 120-B and 420 IPC

at Police Station Sector -5, Panchkula, was registered against the petitioner and the land owners. In order to wriggle out of from their liability to repay the excess amount of compensation illegally withdrawn by them, some land owners approached Civil Court, by way of different 24 civil suits detailed in the aforesaid FIR. The petitioner without any authority appeared in those civil suits and made a statement in favour of the land owners that he has 'no objection' in case, order of status quo is passed, in favour of the land owners for repayment of compensation to the Government.

To counter the above submission, learned counsel *inter alia* contends that petitioner never appeared before the civil Court in those 24 cases. His presence was illegally and falsely marked by the civil Court on different dates, simply because, he was Assistant District Attorney in the office of Land Acquisition Collector, Panchkula. Therefore, he demanded CCTV footage of the Court premises, but the same was not supplied to him, due to security reasons.

Contrary to the above submissions, learned counsel appearing for respondent No. 5 submits that a complaint was received by the Land Acquisition Collector, Panchkula, against bungling of the petitioner which was marked for enquiry to respondent No. 5. Consequently, respondent No. 5 after conducting enquiry in the said complaint submitted report against the petitioner. On the basis thereof, petitioner was repatriated from the office of Land Acquisition Collector, Panchkula, to his parent department. Therefore, having grudge, he had filed the instant false complaint against him. On the basis of said false

complaint, FIR has also been registered against respondent No. 5.

Considering the rival submissions, this Court is of the considered view that the instant petition is completely frivolous and being filed with *mala fide* intention to hood wink the Government functionaries including respondent No. 5 and to wriggle out of his liability of committing fraud of disbursement of excess compensation of ₹ 70 crores, to the land owners.

More so, the present petition is a gross abuse of the process of law and hit by the doctrine of “double jeopardy”, inasmuch as, a person cannot be vexed twice on the same allegation for which an FIR has already been registered against respondent No. 5.

Dismissed.

May 24, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No