

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

CRM-M No.27598 of 2020 (O&M)

Date of Decision : 14.10.2020

Hukamjeet Singh alias Hukamjeet Singh Brar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Brijindra S. Bajwa, Advocate
for the Petitioner.

Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.24734 of 2020

The Applicant/Petitioner is permitted to place on record copy of the Order dated 21st September, 2020 (Annexure P-5) showing that he has already withdrawn his Civil Suit filed against the State of Punjab and others in the Court of Ld. Additional Civil Judge (Sr. Division), Sri Muktsar Sahib on 21st September, 2020.

Application stands disposed off.

CRM-M No.27598 of 2020

The instant Petition has been filed under Section 438 of the Code of Criminal Procedure seeking Anticipatory Bail on behalf of the Petitioner in case FIR No.0094, dated 13th August, 2020, registered under Section 409 of the Indian Penal Code and Section 13 of the Prevention of

Corruption Act, at Police Station Bariwala, District Sri Muktsar Sahib, Punjab.

2. Seen the short Affidavit of the Deputy Superintendent of Police, Sub Division, Sri Muktsar Sahib, sent up through E-mail on behalf of the State with reference to the query noted in the last order.

3. It transpires that the allegations made against the Petitioner are of having shown exorbitant amounts as being spent on certain construction works and other projects at the village level, which on assessment by the Experts were found to be of lesser value.

4. Ld. Counsel for the Petitioner submits that the assessments thus made are motivated and subjective, and were done with a vindictive aim to harass the Petitioner, who had held the Office of Sarpanch at the relevant time, and on instruction of his Client submits further that his Client would be willing to pay any excessive amounts, if actually found to be claimed beyond the genuine assessed values, which may be recovered from him as arrears of Land Revenue, if necessary.

5. In this view of the matter, this Court is of the opinion that custodial interrogation of the Petitioner for the purpose of effecting recovery of the alleged excessive amounts in a case where validity of the Survey Assessments itself is disputed, would not be called for.

6. In the circumstances, Petitioner's prayer for Anticipatory Bail is allowed and in the event of arrest, Petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report

under Section 173 Cr.P.C. (Challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C.. Thereafter, the Petitioner will be permitted to furnish bail bonds to the satisfaction of the Ld. Trial Court.

7. Disposed off.

October 14, 2020

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No