

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

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**CRM-M-30604-2020(O&M)
Date of Order:01.10.2020**

KAMAL KUMAR SHARMA

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navjot Singh, Advocate,
for the petitioner.

Ms. Samina Dhir, DAG, Punjab

Mr. Navkiran Singh, Advocate
for the complainant.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is second petition for grant of pre-arrest bail in a criminal case arising from FIR No.31, dated 02.05.2016, registered under Section 420/468/471/120-B IPC, at Police Station Bhadson, District Patiala.

The first application filed by the petitioner was dismissed on 22.07.2019 by a common order passed in CRM-M-31705-2018 in the case of co-accused, which is extracted as under:-

By this order, CRM-M-31705, 34727, 39067 and 52007 of 2018 shall stand disposed of.

In all these petitions, prayer is for grant of pre-arrest bail.

The present FIR has been registered at the behest of Government officials of District Administration who have found that the petitioners who are colonizers/developers have sold the plots to more than 400 people without getting the colony approved. Even some part of the Shamlat land (common land) has also been sold. The colonizers have also sold the land reserved for roads and parks. The FIR was registered

after getting preliminary investigation carries out.

This Court has heard learned counsel for the parties at length. It would not be appropriate for this Court to express any opinion on the merits of the case lest it may prejudice the case of the parties. In the considered view of this Court, there are serious allegations and District Administration has registered the FIR after getting the preliminary enquiry into the matter. There are 400 plot holders, most of them have already constructed their houses.

In these circumstances, there is no ground to grant extraordinary relief of pre-arrest bail.

All the petitions are dismissed.”

It is surprising that after a period of four years and three months of the registration of the FIR, the prosecuting agency appears to be groping in dark. There are serious allegations of inclusion of “Shamlat” as well as Govt. land in a unauthorized colony. The FIR was registered at the behest of the district administration. The petitioner has failed to draw attention of the Court to any fresh ground for grant of pre-arrest bail. Dismissed.

However, keeping in view the facts of the case, the Director General of Police, Punjab, is requested to explore the possibility of constituting a Special Investigating Team (SIT) under the Chairmanship of a Senior IPS officer to go to the root of the matter .

October 01, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No