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

**CRM-M No.47944 of 2019
Date of Decision: 05.02.2020**

SUNIL KUMAR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. S.P.S. Sidhu, Advocate with
Mr. Nihit Lomis, Advocate and
Mr. Sarbuland Mann, Advocate
for the petitioner.

Mr. J.S. Ghumman, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.79 dated 30.08.2019, registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Valtoha, Tarn Taran, District Tarn Taran.

Petitioner is a Patwari. Allegations against the petitioner are of wrong distribution of estimated amount of Rs.20,26,603/- in favour of ineligible land owners. It has come on record that most of the beneficiaries/owners of the land have returned the excess amount of compensation wrongly paid to them. The

excess amount was due to alleged omission on behalf of the petitioner.

Vide order dated 21.01.2020 passed by this Court, the distribution of estimated amount of Rs.20,26,603/- was directed to be verified viz-a-viz. the amount returned by number of land owners. A specific affidavit was required to be filed by the Investigating Officer duly vetted from Sr. Superintendent of Police, Tarn Taran.

In compliance of the aforesaid order, affidavit of ASI Tejinder Singh, Investigating Officer, E.O. Wing, Tarn Taran has been filed along with Annexures R-1 and R-2 in the context of irregularities regarding distribution of compensation. The same is taken on record.

The Investigating Officer has given a tabulated chart of 13 persons with details of excess amount deposited and the amount which was redeposited by the land owners with the State. In the aforesaid Annexures, the Investigating Officer has given detail that out of 13 land owners, Jugraj Kumar, Nishan Singh, Pratap Singh and Keemti Lal were found to be innocent. The excess amount was paid to them. Except Pratap Singh, the aforesaid three persons did not possess any land in their names. The excess amount paid to the aforesaid persons stands redeposited by them.

It is not in dispute, rather admitted by learned State counsel on instructions from ASI Gurdip Singh that remaining 9 accused namely Gurwinder Singh, Manjit Singh, Bohar Singh, Mukhtar Singh, Sukhdev Singh, Surjit Singh, Sarabjit Singh, Manjit Singh and Jasbir Kaur are on bail.

Learned State counsel further submitted that challan has already been presented. Charges have not been framed so far. The case is fixed for 11.02.2020 for framing of charges before the trial Court. The offences are triable by the Magistrate.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 21.09.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 05, 2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No