

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

CRM-M-4585 of 2021

DECIDED ON: 19th FEBRUARY, 2021

Ranjodh Singh Patwari

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. R.S. Randhawa, Advocate for petitioner.

Ms. Samina Dhir, DAG Punjab.

Mr. K.S. Brar, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for regular bail in FIR No. 20 dated 24.12.2020, under Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Range Ferozepur Punjab.

The FIR was at the behest of Ravinder Singh a farmer. He was given land in District Fazilka from his father. On finding that the Girdawari of his land has wrongly been entered in the name of lease holder, he intended to file a partition proceedings for which he met Ranjodh Singh (petitioner) to get prepared Naksha Oodaa. An amount of ₹ 25,000/- was demanded by the petitioner, ₹5000/- was given in advance. Naksha was prepared but showing the less land. The petitioner stated that on paying the remaining amount of ₹ 20,000/-, he will correct the Naksha Oodaa. The

deal was struck for ₹15,000/-. An audio recording of the conversation was made by the complainant. The complainant approached the Vigilance Bureau and a trap was led. There were shadow witnesses. The currency to be given was powder quoted and thereafter the petitioner was caught red handed. He was arrested on 24.12.2020.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the complainant had to file partition proceedings and it was only thereafter that Naksha Oodaa was to be prepared. The contention is that the land of complainant is in Fazilka, the petitioner is Patwari in Fazilka whereas the complaint has been lodged in Sri Muktsar Sahib. It is, further, argued that the petitioner was not caught red handed rather he was forcefully given the payment. He further argues that Vigilance Bureau had not followed the rules strictly. There was no physical checking of the complainant that he was not having any other currency. He further argues that the investigation is almost complete and no useful purpose would be served by keeping the petitioner behind the bars.

Learned counsel for the State opposes the prayer and submits that the matter is still being investigated; sanction for prosecution is yet to be received; the petitioner was caught red handed and that an audio recording was also produced by the complainant to substantiate his allegations.

Though, the complainant is not impleaded but Mr. K.S. Brar, appears for the complainant and opposes the prayer.

In the bail petitions, the details of merit are not to be dealt with, however, learned counsel for the petitioner has raised certain contentions, these are being dealt with briefly for the purpose of deciding

the bail petition.

The argument that occasion to prepare Naksha Oodaa would have arisen after filing of the partition, does not enhance the case of the petitioner. An ordinary farmer may not be aware of the technical procedure involved in the legal proceedings. There can be another aspect that preperation may be there to ensure the success in the partition proceedings.

The mere fact that complaint was lodged in Sri Muktsar Sahib instead of Fazilka will not itself be sufficient to doubt the allegations. Suffice-to-say that there is bound to be local influence of an official who is posted there.

The petitioner was caught red handed, there are witnesses to support the incident. There is nothing apart from the bald statement to support that the amount was forcibly handed over to the petitioner.

The effect of alleged breach in following the rule would be subject matter of trial. The fact remain that the matter is still under investigation. If the petitioner is enlarged on bail considering his official capacity, he would be in a position to influence the witnesses and investigation.

No case is made out for grant of bail.

Dismissed.

19th FEBRUARY, 2021

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes