

In virtual Court

CRM-M-12443-2021

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12443-2021 (O&M)
Date of decision: 01.04.2021

Sanjit Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate and
Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.11 dated 09.01.2021 under Sections 120-B, 379, 447, 427, 420, 467, 468, 471 IPC, Section 3 of Prevention of Damage to Public Property Act, 1984 and Sections 7, 12, 13 of Prevention of Corruption (Amendment) Act, registered at Police Station City Bahadurgarh, District Jhajjar.

Learned senior counsel for the petitioner submits that the petitioner is working as Revenue Patwari and was posted in the village on 12.09.2019. It is admitted case that some land of the erstwhile owner was acquired by HSIIDC

on 06.01.1977 and a mutation was sanctioned on 04.06.2003. It is further submitted that later on, one Khasra No.1666/37, comprising in Khewat No.1464 and Khatoni No.2147, which was never mutated in favour of the department, was proposed to be sold by the co-accused in favour of another set of accused, who had purchased the same. It is also submitted that since the petitioner was posted in the village in the year 2019 and had no powers either to change or enter any mutation subsequent to his joining at the present place of posting, without prior permission of Tehsildar of the area, he had no role in the alleged agreement to sell executed between two sets of accused, who were sellers and the buyers.

Learned senior counsel further submits that before entering into the agreement to sell, even the sellers have moved an application before the Tehsildar, Bahadurgarh for demarcation of aforesaid Khasra No.1666/37 and in presence of officials of HUDA and Tehsildar, Bahadurgarh, the land was got demarcated and no objection was raised by HUDA though it belongs to HUDA. Learned senior counsel has referred to the orders dated 18.02.2021 and 19.02.2021 passed by the Additional Sessions Judge, Jhajjar, vide which co-accused of the petitioner, who are sellers and beneficiaries of the agreement to sell, have already been granted the concession of anticipatory bail, after noticing the aforesaid facts that ancestors of the sellers remained in continuous possession of the land for more than 52 years and even after the land was acquired by the department, the possession remained with the sellers. It is thus submitted that anticipatory bail of the petitioner, who was posted as Revenue/Halqa Patwari, was dismissed only on the premise that he has failed to

update the revenue record in favour of the department.

It is further argued that since the petitioner has recently joined in the year 2019, in the absence of any specific order of the Tehsildar, the petitioner could not correct the record or sanction the mutation, which was initially sanctioned qua the other land, therefore, the petitioner, on the basis of demarcation got done by the office of Tehsildar, Bahadurgarh, in the presence of officials of HUDA, cannot be held guilty, as he is not beneficiary in any manner.

Learned State counsel has filed the reply by way of affidavit of Deputy Superintendent of Police, Bahadurgarh, District Jhajjar, wherein, after giving details regarding allegations in the FIR, in para No.5, it is stated that the petitioner was found involved with other co-accused, as the land was acquired by the Haryana Govt. on 06.01.1977 but the mutation in respect of Khasra No.1666/37, 1666/09 & 1666/11 was not entered in favour of the Govt. Learned State counsel further submits that the petitioner was found to be actively involved in this case.

After hearing learned counsel for the parties and finding that mutation of the acquired land was initially sanctioned in the year 2003 and at that time, if some khasra numbers were left out, no fault can be found with the petitioner and additionally, the petitioner being the Revenue Patwari is not beneficiary of the alleged agreement to sell and the sellers as well as the purchasers have already been granted the concession of anticipatory bail by the Court of Additional Sessions Judge, Jhajjar, this petition is allowed and the petitioner is granted anticipatory bail subject to the conditions envisaged under

Section 438 (2) Cr.P.C.

It will be open for the Investigating Officer to issue an advance notice in writing to the petitioner to join him in the investigation, if so required.

01.04.2021

vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No