

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25714-2021

Date of Decision: 07.07.2021

Varun Dev Garg

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashit Malik, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

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

This petition under Section 438 Cr.P.C. is filed for grant of anticipatory bail in FIR No. 487 dated 25.6.2021, under Sections 420 and 120-B IPC, registered at Police Station Camp Palwal.

The brief facts are that the petitioner was working as Computer Operator on contractual basis in the office of Land Acquisition Collector. Certain land was being acquired for a project of Railway. As per the policy, the owner of land was to get compensation as well as a government job. A complaint was received by Deputy Commissioner, Palwal that the petitioner in order to get a government job as per the policy had purchased a portion of land sought to be acquired. The matter was enquired into, on the basis of enquiry, the FIR was registered.

Learned counsel for the petitioner submits that it was not a case of purchase of land from an outsider. The grand mother of the petitioner

owned the land which she transferred in favour of blood relations during her life time vide transfer deed dated 14.6.2014. The contention is that the transfer was prior to acquisition.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail. She submits that the matter was enquired into and it was found that there was purchase of land.

Without commenting on the merits of the case, *prima facie* considering that it was not a case where the petitioner had bought the land from a stranger. The transfer was from grand mother to grand son and that too prior to acquisition of land. It is not a case where custodial interrogation of the petitioner is required.

The petitioner is granted interim bail subject to his joining investigation within 10 days. In the event of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

However, it is clarified that in case petitioner fails to join the investigation as and when called for, the State would be at liberty to file an application for recalling this order.

[AVNEESH JHINGAN]
JUDGE

7th July, 2021
mk

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No