

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

213

**CRM-M-28511-2021**

**Date of Decision: 18.11.2021**

Anil Chaudhary

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. H.S.Deol, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,  
assisted by SI Ajaib Singh.

Mr. Harkirat Singh and Mr. Sandeep Kumar, Advocates, for  
Mr. Vikram Singh, Advocate, for the complainant.

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.271 dated 10.04.2021 at Police Station Sadar Karnal, District Karnal, under Section 420/467/468/471/120-B IPC.
2. The FIR in question was lodged at the instance of Ravinder Singh Kadan coupled with the fact finding enquiry conducted by the Civil Judge (Junior Division), Karnal. The allegations in nutshell are that an application for correction of  *khasra girdawari*  had been submitted by the petitioner & others before the Revenue Authorities, wherein certain dead persons were arrayed as a party. When the Process Server of the Civil Courts, Karnal went for effecting service, the petitioner identified some of the impostors as

the respondents though the said respondents had already died. Consequent upon the report of the Process Server, the matter pending before the Revenue Authorities pertaining to correction of  *khasra girdawari*  was decided ex parte vide order dated 04.10.2012 passed by the Collector, Karnal.

3. The Civil Judge (Junior Division), Karnal in his enquiry report came to a conclusion that the Process Server had made his report on the basis of identification made by the petitioner and by some other persons present at the spot and that he could not be held responsible in any manner for the incorrect report, which came to be prepared by him regarding service upon the dead persons.
4. Learned counsel for the petitioner has submitted that while the matter pertains to the year 2012, the instant FIR has been lodged in the year 2021 i.e. after about 9 years. It has further been submitted that, in any case, no loss has been caused to any of the person and that the persons, who were recorded as owners of the land in question, continued to be recorded as such even till date.
5. On the other hand, learned State counsel assisted by learned counsel representing the complainant has submitted that it is a case where a Civil Judge has conducted fact finding enquiry, wherein it has been reported that the petitioner intentionally identified the impostors, as the respondents in the  *khasra girdawari*  correction application, whereas such respondents had already expired and that it was on the basis of incorrect identification made by the petitioner that an incorrect report regarding service upon the dead persons came to be prepared. Learned State counsel has pointed

out that an ex parte order came to be passed on the basis of the incorrect service report, which came to be noticed by the complainant much later and it was in the year 2019 when an complaint was filed before the Police leading to an enquiry by the Civil Judge (Junior Division), Karnal and it was pursuant to the enquiry conducted by the Civil Judge that instant FIR came to be lodged. It has further been submitted that the facts of the case particularly the enquiry report clearly nail the complicity and guilt of the petitioner and as such, he does not deserve the concession of bail. It has, however, not been disputed that there has been no monetary loss or any loss to the estate of the complainant or the owners of the land in question, as the land still continues to be in their names. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not involved in any other case.

6. I have considered rival submissions addressed before this Court.
7. Having regard to the nature of allegations, it goes without saying that the same are mainly based on documentary evidence. Further, keeping in view the fact that no apparent loss is stated to have been caused and the facts are not such that anything is required to be recovered from the petitioner, who has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 22.07.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation

as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

**18.11.2021**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**