

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

CRM-M-30032 of 2021

DECIDED ON: 4th August, 2021

Pushpinder Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rahul Rampal, Advocate for petitioner.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

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

This is a petition seeking regular bail in case of FIR No. 9 dated 15.6.2021, under Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau Bathinda Range, District Bathinda.

The Vigilance Bureau received a complaint from Gurcharan Singh son of Bogha Singh, resident of village Rakhala, Tehsil Giddarbaha. As per the complaint, the complainant had exchanged his land in village Rakhala with the land in village Kotbai owned by Darshan Singh. After the exchange, the parties were in possession of the land. The documents for mutation of land were given to Pushpinder Singh Patwari (petitioner), he demanded Rs.50,000/- to enter the mutation for exchange of land. The deal was struck for Rs.25,000/-. An amount of Rs.19000/- was given at the spot. When petitioner was approached for the copy of mutation, he asked for the balance amount of Rs.6000/-. On request the amount was reduced to

paid after applying chemical to currency notes, the petitioner was caught red handed.

Learned counsel for the petitioner submits that the FIR is not having all the details. There is no conversation of matter proving the demand by the petitioner. He further argues that the mutation was sanctioned by the petitioner on 15.4.2021, the file was passed by the uncle Kanungo and the petitioner was no longer in control of file. The contention is that the petitioner is Patwari of village Rakhala whereas the complainant had purchased the land in village Kotbhai, the petitioner was not the concerned official.

Learned State counsel refutes the contention raised by learned counsel for petitioner. She on instructions from DSP Sandeep Singh submits that there is enough evidence for demand of money and thereafter the petitioner was caught red handed. Learned counsel for the State opposes the grant of bail on the ground that the matter is still under investigation and challan is to be presented. Further contention is that the petitioner is involved in another FIR No.13 of 2018 under Prevention of Corruption Act, he was on bail in that FIR and has misused the bail.

While dealing with the petition for regular bail, the Court desists from making any observations on the merits of the case. However, to meet the contention pressed by learned counsel for the petitioner, the same are being dealt with only for the purpose of disposing of the petition for regular bail.

The contention of the petitioner that FIR is incomplete and does not contain the conversation of proving the demand would be subject matter of the trial. It is trite law that FIR is not an encyclopedia of facts. The matter is at the stage of investigation, no further comment is made on this contention as it would affect the investigation and trial.

The argument that the petitioner was not Patwari of Kotbhai where the complainant had purchased land appears attractive at the first blush but lacks merit. It was not case of sale and purchase but the land situated in village Rakhala and Kotbhai were exchanged. The complainant would be an interested party for getting the mutation done of both the lands.

The involvement of petitioner in an earlier FIR under Prevention of Corruption Act, is an indicator of his antecedents.

There are specific allegations in the complaint that the copy of mutation was not being supplied by the petitioner till the balance amount is paid. Since, the investigation is still going on and challan is to be presented, if the petitioner is enlarged on bail he would be in a position to influence the witnesses. No ground is made out for grant of bail.

Dismissed.

4th August, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>