

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

CRM-M-30221 of 2021

Date of Decision: 03.08.2021

Vikas

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arun Khatri, 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 (Sections 7 and 13(1)(d) of the Prevention of Corruption Act, 1988 added later on), registered at Police Station Camp Palwal.

The petitioner was working on contractual basis as Patwari in National Highway Authority of India. As per the case set up, due to his nature of job, the petitioner acquired the knowledge that certain land is being acquired for a Railway project. As per the policy, the owner of the land was to get compensation as well as Government job. A complaint was received by Deputy Commissioner, Palwal that small portions of land to be acquired were purchased to avail the benefits of acquisition. The matter was thoroughly enquired into. FIR was registered. Later on, realising the magnitude, SIT was constituted.

Learned counsel for the petitioner submits that the petitioner had no connection with Railway Department, he was Patwari in National Highway Authority of India and the sale deed is of July, 2019 i.e. much

prior to the notification. The contention is that the petitioner belongs to the village in the vicinity of the land acquired, for that reason the land was purchased. Further contention is that the petitioner is already working as a Patwari, there is change in the policy and now no Government job is to be offered.

Learned counsel for the State on instructions opposes the prayer for grant of pre-arrest bail. She submits that the matter was enquired into and it was found that the land to be acquired was purchased to avail the benefit as per policy. She further submits that during enquiry it was revealed that in 2018, the petitioner purchased 15 square yards of land from Suresh Patwari.

The nature of the job of the petitioner was such that not even being in the concerned department of Railways, he could get knowledge of acquisition of the land. For acquisition of land for railway project other departments are also involved in the process. The petitioner is having a contractual employment and would be entitled to benefits of the policy.

The contention that the land was purchased in 2019, i.e. prior to the notification does not enhance the case of the petitioner. The process of acquisition starts much prior to the issuance of the notification. The matter needs a deeper probe. Number of people have been made beneficiaries by adopting *modus operandi* of purchasing and transferring the land. In such circumstances, no case is made out for grant of anticipatory bail.

The petition is dismissed.

However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

3rd August, 2021

mk

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes