

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
120**

CWP-25406-2021

Date of decision: 21.12.2021

HARMANDEEP SINGH ALIAS HARMANDIP SINGH AND ANOTHER

..PETITIONERS

Vs.

STATE OF PUNJAB AND ORS

...RESPONDENTS

***CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL***

Present: Mr. Jaspreet Singh Brar, Advocate,
for the petitioner.

Mr. S.P.S.Tinna, Addl. A.G. Punjab,
for the State.

Mr. Dhirinder Kamal Saldi, Advocate,
for respondent No. 5.

AUGUSTINE GEORGE MASIH, J.(ORAL)

The primary grievance of the petitioners is that the present officer, who is posted as a District Development and Panchayat Officer exercising the power of Collector, District Moga-respondent No. 4, had earlier been a complainant in FIR No. 94 dated 07.07.2014 registered under Sections 447, 379, 434, 120-B of Indian Penal Code, 1860 and had also appeared as a prosecution witness i.e. PW1.

Learned counsel for the petitioners asserts that since now the proceedings have been initiated against the petitioners under Section 7 of the Punjab Village Common Land (Regulations) Act, 1961, he has apprehension that the said officer would not decide the case independently and may be there is some bias.

Learned counsel for the State, on instructions from Sh. Jagjit Singh, District Development and Panchayat Officer, Moga, who is present in Court, states that he has no objection to the matter being transferred to some other District Development and Panchayat Officer. He, however, asserts that the said FIR and the evidence, which has been given by him, was in his official capacity and he has no personal enmity or grudge against the petitioners.

The counsel, who has appeared for Gram Panchayat, Village Gajiana, Tehsil Nihal Singh Wala, District Moga-respondent No. 5, states that the Gram Panchayat also does not have any objection to the prayer made by the petitioners.

In the light of the above, we do not find that there is any bias against the petitioners but keeping in view the interest of justice, we accept the prayer of the petitioners and transfer the proceedings initiated under Section 7 of the Punjab Village Common Land (Regulation) Act, 1961, to the District Development and Panchayat Officer, Ferozepur.

Parties to appear before the said officer on 14.01.2022.

By that time, the records be transmitted to the said authority.

The writ petition stands disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

December 21, 2021

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No