

201

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

Decided on: 23.05.2022

1. CRM-M No.12101 of 2021 (O&M)

Gora Lal

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.14582 of 2021 (O&M)

Veena Rani

....Petitioner

Versus

State of Punjab

....Respondent

3. CRM-M No.14588 of 2021 (O&M)

Ritu Bala

....Petitioner

Versus

State of Punjab

....Respondent

4. CRM-M No.22606 of 2021 (O&M)

Kulvir Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

5. CRM-M No.18417 of 2022 (O&M)

Harbhajan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Bipan Ghai, Sr. Advocate
with Mr. Paras Talwar, Advocate
for the petitioners (in CRM-M-12101-14582-14588-2021)

Mr. B.S. Sidhu, Sr. Advocate
with Mr. Chandan Singh, Advocate
for the petitioners.
(in CRM-M-22606 of 2021 & 18417 of 2022)

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Rituraj Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-1627-2022 IN CRM-M-12101-2021

Heard.

Allowed as prayed for.

Documents (Annexures P-15 and P-15) are taken on record
subject to all just exceptions.

**CRM-M Nos.12101, 14582, 14588, 22606 of 2021 (O&) and
No.18417 of 2022 (O&M)**

The petitioners namely Gora Lal, Veena Rani, Ritu Bala,
Kulvir Singh, Baldev Kaur and Harbhajan Singh pray for grant of
anticipatory bail in FIR No.15 dated 23.02.2021, registered under
Sections 420, 421, 188, 120-B IPC at Police Station Budhlada, District
Mansa.

The operative part of the order dated 22.03.2021 passed in
CRM-M No.12101 of 2021, vide which interim anticipatory bail has
been granted to the petitioner – Gora Lal, is reproduced as under:-

*“...Learned senior counsel appearing for the
petitioner inter-alia contends that the petitioner has been
falsely implicated in the case at the behest of the then
Deputy Commissioner, Mansa and her husband who is a
serving Deputy Superintendent of Police in the Punjab
police for the reason that the father-in-law of the then
Deputy Commissioner has land adjacent to the land of the*

petitioner who wants to usurp the same; the matter whether the land of the petitioner belongs to the Pearl Company is pending before the Revenue Court as also before the Committee formed by the Supreme Court and therefore the action sought to be taken against the petitioner is pre-mature; there is no other criminal case pending against him and that the petitioner is ready and willing to join investigation as and when called by the investigating agency.

Notice of motion....”

Vide orders dated 22.03.2021, 08.04.2021, 10.06.2021 and 02.05.2022, the arrest of the petitioners namely Veena Rani, Ritu Bala, Kulvir Singh, Baldev Kaur and Harbhajan Singh, was stayed.

Learned senior counsel for the petitioners have made reference to an earlier order dated 20.02.2020 passed in CRM-M No.7543 of 2020 (Annexure P-12) wherein even on an earlier occasion, it was noticed by the Co-ordinate Bench that the then Deputy Commissioner-District Magistrate, Mansa and the Deputy Superintendent of Police, who are husband and wife were interfering in the working of the Revenue Authorities and under their influence, the mutation of the land owned by petitioner No.1 was changed despite the fact that there was a rice sheller building existing there. It is further submitted that even in that case, a direction was issued to the Chief Secretary, Punjab, to transfer the then Deputy Commissioner immediately.

Learned senior counsel for the petitioners have referred to a decision/order dated 27.08.2021 passed by the Assistant Collector, Ist Grade-cum-Sub Divisional Magistrate Budhlada. The operative part of

the said order, reads as under:-

“13. On careful perusal of the record placed on case file, examining of revenue record, evidences presented by the beneficiary party and arguments put forth by the beneficiary party, it has found that the mutation No.4908, 4923, 4932 and 2101 village Datewas were cancelled by Assistant Collector, 2nd Grade, Budhladha vide different orders after taking permission from the District Collector, Mansa. Apart from it, the succession mutation No.4923 village Datewas was kept sine die. The beneficiary had challenged the above said orders by filing revision petition in the Hon’ble Court of Commissioner, Faridkot Division, Faridkot and the said court has set aside the said order vide order dated 22.12.2020 and remanded back the cases to Assistant Collector, IInd Grade, Budhladha and he was directed that after hearing about the above said mutation and perusal of revenue record, the case be decided afresh within a period of two months. During arguments, the beneficiary party has submitted the order passed by Sh. R.S. Virk, District Judge (Retd.), in the Matter of PACL Limited regarding no concern of the land under these mutations to the Pearls Company, but the same is only pertaining to succession mutation No.4923. The Hon’ble court of Sh. R.S. Virk, District Judge (Retd.) has allowed the objection file No.841 MR No.18347-16 filed by beneficiary Ritu Bala wife of Gora Lal and ordered that the land of succession mutation No.4923 village Datewas has no concern to the land of Pearls Company. The land received through this mutation was transferred in favour of beneficiary party Reetu Bala wife of Gora Lal through registered transfer deeds executed by Baldev Kaur wife of Malkit Singh and on the basis of same, the transfer mutation No.4948 and transfer mutation No.4949 were entered and after getting approval to review these mutations, the Assistant Collector, IInd Grade, Budhladha had cancelled these mutations. The beneficiary party has not file any proof regarding to show no concern of land under mutation No.4908, 4932 and 5101 village Datewas with Pearls Company. In this regard, the counsel for the beneficiary party has stated that they will pursue the matter regarding these lands by filing separate cases in the court of Sh. R.S. Virk, District Judge (Retd.) constituted by the committee of Hon’ble Mr. Justice R.M. Lodha and the orders to be passed by the court will be presented in this court and this Hon’ble court can take decision regarding diffeent mutations in veiw of the above said orders. Since the Court constituted by Hon’ble Mr. Justice M.R. Lohda’s committee has made clear vide its order dated 12.08.2021 that the land under succession mutation No.4923 is not

related to Pearls Company, therefore, the order is passed to reinstate this mutation (Mutation No.4923 village Datewas). Thereafter, order is also passed to reinstate the transfer mutation No.4948 and transfer mutation No.4949 pertaining to the land transferred in the favour of beneficiary party vide registered transfer deed received through mutation from Smt. Baldev Kaur wife of Malkit Singh. Since the beneficiary has not presented any solid proof regarding other under consideration mutation No.4908, 4932 and 5101 village Datewas and the counsel for the beneficiary has stated that they will approach the court of Sh. R.S. Virk, District Judge (retd.) constituted by Hon'ble Mr. Justice R.M. Lodha's committee regarding the area under these mutations, therefore, the proceedings of these mutations are hereby kept sine die till the submission of order passed by the Hon'ble Court of District Judge (Retd.) or any other competent court. Order pronounced. The original file along with mutations be sent to the Assistant Collector, 2nd Grade (Tehsilddar), Budhladha to make entry of this order in the revenue record."

Learned senior counsel for the petitioner has also submitted that in compliance thereof, thereafter, the Assistant Collector, Ist Grade-cum-Sub Divisional Magistrate Budhlada, on 22.08.2021 has adjourned the proceedings of the mutation *sine die* till further orders and therefore, there is no adjudication as on today that the petitioners have committed any offence.

Counsel for the State, assisted by counsel for the complainant and on the basis of the reply of the Assistant Commissioner of Police, Sub-Division Budhlada, could not dispute the factual position, however, it is submitted that from the investigation conducted so far, it is found that some sale deeds have been executed regarding exchange of transfer of land with Pearls Group and mutations have been sanctioned, the fact which is already noticed in the report of the District Judge (Retd.).

Counsel for the State has also filed the additional affidavit

of the Deputy Superintendent of Police, Sub-Division Budhlada, District Mansa in reply to the application filed by the petitioner for placing on record the aforesaid 02 orders (Annexures P-15 and P-16), to submit that the State has also filed objections to the same.

After hearing the counsel for the parties, it is apparent that it is a dispute regarding the transfer or exchange of the land by the petitioners with Pearls Group is *sub judice* before the various authorities and therefore, the present petitions are allowed and the orders dated 22.03.2021, 08.04.2021, 10.06.2021 and 02.05.2022, granting interim bail to the petitioners namely Gora Lal, Veena Rani, Ritu Bala, Kulvir Singh, Baldev Kaur and Harbhajan Singh, are confirmed subject to the condition that the petitioners will join the investigation and will appear before the Investigating Officer as and when required by him after giving a notice in writing and comply with the conditions envisaged under Section 438(2) Cr.P.C.

It is made clear that if the signatures of the petitioners are required, then the petitioners will provide the same and co-operate in the investigation.

A photocopy of this order be placed on the file of other connected cases.

(ARVIND SINGH SANGWAN)
JUDGE

23.05.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No