

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

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**CRM-M-13484-2022(O&M)
Date of Order: 31.03.2022**

Kamal Kumar Sharma

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navjot Singh, Advocate, for the petitioner.
Mr. Nikhil Chopra, Addl.A.G., Punjab.
Mr. Navkiran Singh, Advocate, for the complainant.

ANIL KSHETARPAL, J(Oral)

This is the petitioner's third attempt to get the pre-arrest bail in a criminal case arising from FIR No.31, dated 02.05.2016, registered under Section 420/468/471 and 120-B IPC, at Police Station Bhadson, District Patiala.

The first application was dismissed on 22.07.2019 , whereas the second application was dismissed on 16.10.2020. While dismissing the first application, the following order was passed:-

By this order, CRM-M-31705, 34727, 39067 and 52007 of 2018 shall stand disposed of.

In all these petitions, prayer is for grant of pre-arrest bail.

The present FIR has been registered at the behest of Government officials of District Administration who have found that the petitioners who are colonizers/developers have sold the plots to more than 400 people without getting the colony approved. Even some part of the Shamlat land (common land) has also been sold. The colonizers have also sold the land reserved for roads and parks. The FIR was registered after getting preliminary investigation carries out.

This Court has heard learned counsel for the parties at length. It would not be appropriate for this Court to express any opinion on the merits of the case lest it may prejudice the case of the parties. In the considered view of this Court, there are serious allegations and District Administration has registered

the FIR after getting the preliminary enquiry into the matter. There are 400 plot holders, most of them have already constructed their houses.

In these circumstances, there is no ground to grant extraordinary relief of pre-arrest bail.

All the petitions are dismissed.”

It is shocking that the Punjab Police has failed to arrest the petitioner despite a period of 6 years have elapsed. This delay ultimately results in affecting the administration of justice for which the prosecution and the Courts are equally responsible. Failure to take appropriate steps within an appropriate period encourages the accused to file repeated bail applications. I think now the time is ripe, when the Home Secretary and the Director General of Police, Punjab, should consider this aspect.

This Court does not want to elaborate more on this.

Dismissed.

Let a copy of this order be sent to the Home Secretary as well as the Director General of Police, Punjab.

All the pending miscellaneous applications, if any, are also disposed of.

March 31st, 2022

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(ANIL KSHETARPAL)
JUDGE

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