

270 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15906-2022

Date of Decision: 29th July, 2022

Arjan Singh @ Arjan Kansal

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.K. Trikha, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition is filed seeking anticipatory bail in case FIR No. 13, dated 2nd November, 2020, under Sections 409, 420, 465, 466, 467, 471, 120-B IPC, 1860 and Sections 7, 7A of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Flying Squad-1, Mohali.

The petitioner was granted interim anticipatory bail vide order dated 13.5.2022, the order is reproduced hereinbelow:-

“This petition is filed seeking anticipatory bail in case FIR No. 13, dated 2nd November, 2020, under Sections 409, 420, 465, 466, 467, 471, 120-B IPC, 1860 and Sections 7, 7A of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Flying Squad-1, Mohali.

The case was registered on the basis of inquiry conducted by Ashish Kapoor, AIG, Vigilance Bureau, FS-I, Punjab, SAS Nagar (Mohali). During inquiry, it was found that total area of Shamlaat Deh of village Seonk was measuring 11,380 Kanals – 8 Marlas, Maal (Revenue Tax) of which was being assessed at Rs.27/-. After acquisition of certain land for the purpose of construction of Jayanti Dam and New Colony, rest of the area came to be 10,365

Kanals and 19 Marlas, Mall (Revenue Tax) of which was Rs.26/- (2600 shares) and that of all the owners of village was Rs.530/- (Rs.1/- against 396.4 share). Accordingly, revenue tax of each owner/Khewatdar was multiplied by 396.4 and area was divided. Mutation No.1767 was prepared by Iqbal Singh – Patwari. While preparing the mutation Patwari Iqbal Singh and Raghbir Singh – Kanungo entered more shares than actual shares of many Khewatdars whereas in respect of some Khewatdars the shares determined were less than the actual shares. Besides, some persons, who had no share in the land, were also allotted shares. This fact was verified by Tehsildar, SAS Nagar (Mohali) during inquiry conducted by him. The enquiry revealed that the excess shares given the khewatdars of whom some had no shares comes to 941 kanals 8 marlas (117 acres 5 kanals and 8 marlas). The area decreased from the shares of the khewatdars is 941 kanals 8 marlas, 117 acres 5 kanals and 8 marlas. It is further stated that some of the khewatdars who had been given more share had sold it further. The names of such khewatdars were mentioned.

It was alleged that the shares of these khewatdars were got increased by persons operating as land mafia in connivance with Iqbal Singh Patwari, Raghbir Singh Kunungo, Varinderpal Singh Dhoot, Naib Tehsildar, Sham Lal Property Dealer and Gurnam Singh Lamberdar which was further sold by them to outsiders for a huge consideration by deceitfully taking Power of Attorneys from the khewatdars. Balbir Singh, Tarsem Lal, Jaswinder Singh, Gurpreet Singh, Manbir Singh, Kabal Singh were also amongst the persons, who had connived with Iqbal Singh Patwari, Raghbir Singh Kunungo, Gurnam Singh Lamberdar and others for selling shares of Khewatdars further for monetary gain. Lamberdar Gurnam Singh had played a role of medidator for these transactions. From the statements of Nishan Singh, Nanki Devi and Harbhajan Singh, etc. recorded during inquiry proceedings, it surfaced that Varinderpal Singh Dhoot through Gurnam Singh and Sham Lal Property Dealer received lakhs of rupees as bribe for entering mutation/Girdawari in their favour. As per opinion of District Development and Panchayat

Officer, taken during inquiry proceedings, the land in question was recorded as Ghair Mumkin shamlat w.e.f. 1946-1947 till 1999-2000, which showed that this land was not under cultivation and as such nobody could be stated to be in possession. In this manner, a huge loss has been caused to State Exchequer by Varinderpal Singh Dhoot Naib Tehsildar, Raghbir Singh Iqbal Singh Patwari and others. The allegations against the petitioner are that Ramesh Saini got recorded statement under Sections 161 Cr.P.C. as well as 164 Cr.P.C. to the effect that he had paid bribe money of rupees one crore to Sham Lal who further handed over same to the petitioner for getting the matter favourably decided.

Learned Senior counsel appearing on behalf of the petitioner submits that the petitioner was granted interim bail by the Sessions Court, he joined the investigation but the investigating officer insisted to record his confession. He further submits that petitioner is still ready to join the investigation and lend full corporation.

Learned State counsel opposes the prayer and submits that there are specific allegations against the petitioner in the statement of Ramesh Saini recorded under Section 164 Cr.P.C. He further submits that petitioner in an application moved by the prosecution for polygraphy test opposed it.

Learned Senior counsel on specific instructions from the client submits that petitioner has no objection to undergo the polygraphy test.

Without commenting upon the merits of the case, having conspectus of the facts , the nature of the allegations against the petitioner and the fact that he volunteers to undergo polygraphy test as being sought by the investigating agency, petitioner is granted interim bail, subject to his joining investigation within 10 days. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 27th July, 2022.”

Learned State Counsel on instructions from ASI Narender Singh submits that the petitioner has joined the investigation and his custody is no more required. However, he submits that Polygraphy Test is yet to be conducted but the date has not been received from the lab.

Learned counsel for the petitioner on instructions submits that the petitioner will make himself available for Polygraph Test on the date fixed by lab.

The interim order dated 13.5.2022 is made absolute subject to the condition that petitioner will make himself available to undergo Polygraphy test.

The Police authorities will inform the date fixed for the Polygraphy test in seven days advance to the petitioner and the petitioner will ensure his presence on the date fixed.

Petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

29th July, 2022
anuradha

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |