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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23769-2021

Date of decision: 07.01.2022

Rupinder Singh Manku

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J. (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition seeking anticipatory bail in F.I.R. No. 6, dated 8th May, 2021, under Sections 409, 420, 465, 467, 468, 471, 477-A, 201 and 120-B of IPC and Section 7 of the Prevention of Corruption Act, 1988 (Amended by the P.C. Amendment) Act, 2018 registered at Vigilance Bureau, Phase-1, Mohali.

[3] As per F.I.R., in connivance with the revenue officials, revenue records of Village Majrian, District Mohali were tampered with. Till the year 1991, the land in dispute was *Shamlat Deh Hasab Rasad Jar Khewat* in the name of Gram Panchayat as owner which was

changed and the land was distributed amongst private persons. Certain new co-sharers were added and shares of existing co-sharers was increased. Thereafter, creating a chain of Power of Attorney [hereinafter 'POA'], sale deeds were executed. The allegations against the petitioner are that he was posted as Joint Sub-Registrar for the period 24th February, 2009 to 8th November, 2010 and 21st July, 2011 to 30th July, 2012 at Majrian and he registered General POAs and POAs of non-existent persons without identification and obtaining required documents on record.

[4] Mr. Keshav Pratap Singh, learned counsel for the petitioner contends that nature of the land was changed in the year 1991 by fabricating the revenue records, the petitioner was not in service at that time and he is not a beneficiary. It is contended that petitioner is ready to join the investigation.

[5] Mr. Sandeep Kumar, Deputy Advocate General, Punjab, on instructions from Inspector Surender Singh, opposes the prayer for grant of anticipatory bail and submits that POA was registered in favour of Amrik Singh who was a non-existing person and none of his documents are available on record. The petitioner had actively connived for registering the POAs. He played a major role and without his connivance, creation of chain of sale of *shamlat deh* land could not have been possible. He further submits that the petitioner was reverted to the post of Kanungo and ordered to report to his parent department which he failed to do so. He is absent from his duty since 8th May, 2021

i.e. date of registration of FIR. It is further argued that custodial interrogation of the petitioner is necessary as the record of POAs registered is not available in the Registrar Office. He further submits that without custody of the petitioner, the complete chain cannot be unearthed. It is further argued that Sham Lal, one of the co-accused absconded after getting the bail in another FIR.

[6] Court while dealing with the petition of anticipatory bail exercises restraint from commenting upon the merits of the case. However, in view of issues pressed by learned counsel for the petitioner, same are being dealt with only for the purpose of disposal of present petition.

[7] As per allegations the case in hand has tone and tenor of forgery and of economic offence. In economic offences, there is well knitted and planned web casted by the accused. In present case, the issue is more complex than what it appears at its first blush. Each and every accused including the revenue officials had a specific role for making the transaction successful.

[8] In State of **Gujarat Versus Mohanlal Jitamalji Porwal and others (1987) 2 SCC 364**, the Supreme Court held as under:-

"5.The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of

the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest.....”

[9] In ***Y.S. Jagan Mohan Reddy Versus CBI (2013) 7 SCC 439***,

the Supreme Court held as under:-

“34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

[10] The argument put forth by learned counsel for the petitioner that revenue record was forged in the year 1991 when petitioner was not in servie does not enhance his case for grant of anticipatory bail. The nature of land was changed in the year 1991 in the revenue record, it was during the years 2010 to 2016 that by executing the General POAs and POAs, the chain of sale transactions was made to grab the *shamlat deh* land. There is no dispute on the fact that petitioner was posted in the relevant office from 24th February, 2009 to 8th November, 2010 and 21st July, 2011 to 30th July, 2012 .

[11] The contention that petitioner was not a beneficiary cannot be commented upon at this stage. The allegations against the petitioner is that it was due to his act and conduct that POAs in favour of non-existing persons were registered without obtaining relevant

documents. The petitioner has been successful to delay the investigation by absenting himself frm his duties from May, 2021 to till date. With the delay in proceedings, as per the case of State, the relevant record from the Registrar Office of Block Majrian has gone missing/removed.

[12] As per the contention of learned State counsel, it would be the petitioner alone who would be in a position to avail the missing link of the chain to find out the actual persons who got POAs executed.

[13] No case is made out for grant of anticipatory bail to the petitioner, the petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

7th January, 2022

pankaj baweja

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