

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59024 of 2022 (O&M)
DECIDED ON:22nd December, 2022

Dalbir Singh Patwari (Retd.)

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. H.S. Auja, Advocate for petitioner.
Mr. Shiva Khurmi, AAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This is a petition seeking regular bail in case of FIR No. 20 dated 19.10.2022, under Section 7 of the Prevention of Corruption Act, 1988 as amended by P.C. (Amendment Act, 2018) and Sections 420, 465, 466, 468, 471 and 120-B IPC, registered at Police Station Vigilance Bureau Range, Amritsar.

Learned counsel for the petitioner submits that the petitioner is at parity with co-accused-Lakhbir Singh who was granted regular bail by this Court on 13.12.2022 in CRM-M-57069 of 2022.

On 13.12.2022, this Court passed the following order:

"These two petitions are filed seeking regular bail in case of FIR No. 20 dated 19.10.2022 under Sections 420, 465, 466, 468, 471, 120B IPC read with Section 7 of Prevention of Corruption Act, 1988 registered at P.S. Vigilance Bureau Range, Amritsar.

2. As per the case set up, the private individuals in connivance with the officials of the Revenue Department got the revenue entries changed with regard to land reclaimed due to change of course of river. Briznave Singh (petitioner in CRM-M-57212-2022) is the beneficiary of the entries made in the revenue record and Lakhbir Singh (petitioner in CRM-M-57069-2022) was posted as Patwari at the relevant time.

3. On behalf of petitioners it is submitted that petitioners are in custody since 19.10.2022 and co-accused were granted interim anticipatory bail by this Court. It is further argued that aggrieved parties till date have not availed the remedy of challenging the revenue entries and no recovery is to be made from the petitioners. He further submits that the petitioners are not involved in any other case.

4. *Learned State counsel opposes the prayer for grant of bail, however, is not in a position to refute the contention raised by learned counsel for the petitioners. He fairly submits that no recovery is to be made from the petitioners and co-accused were granted interim anticipatory bail.*

5. *Without commenting on the merits of the case and considering the nature of allegations, no recovery is to be made from the petitioners, petitioners have no criminal antecedents and the conclusion of trial is likely to take time, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.*

6. *The petitions are allowed.*

7. *It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.*

8. *A photocopy of this order be placed on the file of connected case(s).*

Learned State counsel opposes the bail but he is not able to distinguish the case of the petitioner viz-a-viz co-accused so far as grant of bail is concerned.

Without commenting upon the merits of the case and the fact that investigation is complete, challan stands presented and on the basis of parity of the petitioner with the co-accused so far as grant of bail is concerned, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

22nd December, 2022

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Whether speaking/reasoned *Yes*

Whether reportable *No*