

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-18779-2023 (O&M)
Date of Decision:- 25.4.2023

Ram Gopal ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lakshay Bector, Advocate,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by Inspector Surinder.

FIR No.	DATE	POLICE STATION	OFFENCES
06	08.05.2021	Vigilance Bureau, FS-1, Punjab at Mohali District SAS Nagar Mohali	409, 420, 454, 465, 467, 468, 471, 477-A, 201, 120-B IPC and Section 7 of Prevention of Corruption Act, 1988

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered in a case arising out of above mentioned FIR.
2. The allegations, in nutshell, are to the effect that Iqbal Singh Revenue Patwari, alongwith his other co-accused Varinderpal Singh Dhoot, Naib Tehsildar, Rupinder Singh Manku, Joint Sub Registrar, Daulat

Ram, Revenue Patwari, Sham Lal, Rabbi Singh, Dharam Pal, Sucha Ram, Paramjit Singh, Ravinder Singh and Hans Raj had entered into a criminal conspiracy with each other and had usurped the Shamlat Deh land of Village Majrian bearing Khewat/Jamabandi No.273 (as per jamabandi for the year 1983-84), which was changed from the name of Gram Panchayat as owner of the aforesaid Shamlat Deh vide mutation No.2026, dated 07.05.1991 in the names of various private individuals without any rule or authorization permitting the same and the khasra girdawaris were also changed from the name of Gram Panchayat, Village Majrian by various Patwaris in the names of various private individuals including the aforesaid accused persons. It is alleged that forgery/tampering with the revenue record pertaining to aforesaid land in the “Parrhat Patwar” had been made and many new persons had been shown as co-sharers in the aforesaid land and shares of many co-sharers had been increased. It is alleged that the aforesaid accused in connivance with each other had prepared forged and fabricated Power of Attorneys with respect to their fake shares in the aforesaid Shamlat Deh land of village Majrian.

3. As per the case of prosecution, shamlat land of Village Majrian, District Mohali was transferred in the name of 14 private individuals in the year 1991, the details of which are as follows:

Sr. No.	Name Original Owner/ Original share	Original Owner/ Original share	Share as per entry in the record Area as per share	Area as per than share	Area more than than share	Remarks
1	Sukhdev Singh son of	None	440 share	None	20 Acres	Page No.10 of

	Harnam Singh					mutation.
2	Amrik Singh son of Ujjagar Singh	None	1533 share	None	69.68 Acres	Page No.10 of mutation.
3	Rakesh Attri	None	1680 share	None	76.36 Acre	Page No.14 of mutation.
4	Bir Singh son Gurdas Singh	- of	378 share	-	17.18 Acres	Page No. 20 of mutation.
5	Sapuran Singh son of Rai Singh	1321 share	1531 share	6.95 Acres	62.64 Acres	Page No.21 of mutation.
6	Babu Ram, Kalu Ram, Sita Ram, Pooran sons of Ujjagar	262 share	1437 share	11.90 acres	53.41 Acres	Page No.23 of mutation.
7	Kamaljit Singh of Amrik Singh	None	1720 share	-	78.18 Acres	Page No.23 of mutation.
8	Ram Asra son Sadaa Ram	- of	399 share	-	18.13 Acres	Page No.23 of mutation.
9	Surjan son of Kapuria	-	1306 share	-	59.36 Acres	Page No.23 of mutation
10	Maya D/o Chajju	-	336 share	-	15.27 Acres	Page No.24 of mutation.
11	Biro D/o Bishni	-	376 share	-	17.90 Acres	Page No.24 of mutation.
12	Maato D/o Nandu	-	758 share	-	34.45 Acres	Page No.25 of mutation.
13	Ralaa Ram son of Jaati	-	453 share	-	20.59 Acres	Page No.17 of mutation.
14	Ram Gopal son of Bachan son of Karmo	-	330 share	-	15 Acres	Page No.26 of mutation.

4. Learned counsel for the petitioner submits that as per the case of prosecution one Bir Singh had executed a power of attorney in the year 2010 in favour of the petitioner and it was on the basis of said

power of attorney that he sold off 64 kanals vide two sale deeds. Learned counsel submits that when the power of attorney was executed in favour of the petitioner by Bir Singh he had no clue whatsoever as regards any defect in the title of Bir Singh inasmuch as the land was mutated in favour of Bir Singh in the year 1991 when the petitioner was barely 13 years old. Learned counsel further submits that another piece of land measuring 15 acres was mutated in favour of the petitioner in the year 1991 and as such it could not have been expected that he could be aware about any defect in the title. Learned counsel submits that the petitioner has been behind bars for the last more than 5 months and since several other identically situated co-accused namely Varinderpal Singh Dhoot, Rabbi Singh @ Ravi Singh @ Rabi Singh, Ravinder Singh, Sukhdev Singh, Balbir Singh, Hans Raj, Paramjit Singh, Shyam Lal, Banarsi Dass, Parveen Kumar, Rupinder Singh Manku have been granted bail, the petitioner also deserves the same concession on the grounds of parity.

5. On the other hand learned State counsel has submitted that since the relevant documents clearly show that Shamlat land had been usurped by several land owners, and the petitioner was also one of the beneficiaries in respect of 15 acres, his complicity is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 5 months and that challan already stands presented. It has also been informed that the trial is yet to commence and as many as 41 PWs have been cited.
6. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last about 5 months and that the petitioner

otherwise is not involved in any other case. It has been informed that although challan has been presented but the trial has not commenced and as many as 41 PWs have been cited.

- 7. This Court has considered the rival submissions.
- 8. Having regard to the aforesaid facts and circumstances of the case but without commenting anything as regards merits of the case, it is noticed that the petitioner has been behind bars since the last about 5 months and otherwise has a clean record and also that the trial has not even commenced till date. In these circumstances, further detention of the petitioner would not be justified as conclusion of trial is likely to consume time as none out of cited 41 PWs has been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.4.2023
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No