

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19342-2023 (O&M)
Date of Decision:- 24.5.2023

Nazar Ali @ Nazer Ali ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Luvinder Sofat, DAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
9	13.3.2023	Vigilance Bureau Range, Ferozepur, District Ferozepur	Sections 7, 7(a) of the Prevention of Corruption Act, 1988

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Surjit Singh wherein it is alleged that his father and uncles are four brothers in all and had jointly taken land measuring 8 kanals 16 marlas from Wakf Board on lease in village *Chak Balocha Wala*. However, the lease deed was in the name of his uncle (*Taya*) Karnail Singh. The lease amount was being paid by all the four brothers in accordance with their respective shares as they had divided the land in four shares. The complainant alleged that he was in possession of 2 kanals of land, upon which he had constructed a house in the year 2009. The

complainant alleged that after death of his father, his uncle Karnail Singh started harassing him and told him to hand over possession of the land. When the complainant and his wife Veerpal Kaur went to the office of Wakf Board, Fazilka for transfer of lease in respect of two kanals of land in favour of complainant's wife Veerpal Kaur, they met two persons there. One of them disclosed his name as Nazar Ali and said that he would get the lease transferred to complainant's name. Said Nazar Ali disclosed that the other person accompanying him is Inderjit Sharma, Patwari, who is a private person and that he would look after documentation. Said Nazar Ali told the complainant to provide a '*panchayatnama*' in respect of his possession, a photograph of Veerpal Kaur and Aadhar Card and that the complainant would have to pay a bribe of Rs.60,000/- for the entire exercise. Upon negotiations, it was agreed that the same may be paid in three instalments. Though, the complainant initially paid an amount of Rs.5,000/- but did not wish to pay any more amount as bribe and held out a false promise to the accused that he will arrange another amount of Rs.10,000/- on 13.3.2023. Nazar Ali told the complainant that in case he (Nazar Ali) is not present in the office on 13.3.2023, then the complainant should pay the amount to Inderjit Sharma, Patwari. The complainant reported the matter to the Vigilance Bureau. A trap was accordingly laid and Inderjit Sharma, Patwari was caught red-handed while accepting an amount of Rs.10,000/- from the complainant. The complainant had also recorded the conversation which had earlier taken place between the complainant, his wife Veerpal Kaur and both accused Nazar Ali and Inderjit Sharma.

3. The learned counsel for the petitioner has vehemently argued that the petitioner has falsely been implicated in the present case and is merely

employed as a Driver on contract basis and would not have any role to play in the alleged transfer of lease deed. It has further been submitted that in any case, it is the co-accused who had been caught red handed while accepting bribe and that there is no credible evidence to connect the petitioner with the alleged demand or payment of bribe. It has been submitted that as a matter of fact the amount allegedly recovered from co-accused is an amount which was the prescribed fee and expenses to be incurred for the purpose of transfer of lease.

4. Opposing the petition, the learned State counsel has submitted that apart from the fact that co-accused was caught red-handed while accepting bribe, the complainant had recorded audio-conversation between him, his wife and the accused on several occasions which clearly indicates the factum of demand of bribe.
5. This Court has considered rival submissions addressed before this Court.
6. A perusal of the FIR would indicate that there are crisp and specific allegations against the petitioner as regards the demand of bribe. The said allegations to a great extent stands substantiated from the fact that co-accused Inderjit Sharma was caught red handed while accepting an amount of Rs. 10,000/- from the complainant. It is correct that at the time of passing of the said amount, the petitioner was not present at the spot but a perusal of the transcripts of the audio-conversation, which had taken place between the complainant Surjit Singh, his wife Veerpal Kaur and the accused Nazar Ali and Inderjit Sharma shows that they had been into conversation at length in respect of transfer of land and there are references to payment of amount. While in some part of the conversation, there is a reference to payment of

Rs.15,000/-, at some other parts there is reference to incurring an expenditure of Rs. 5,000/- on documentation and in some other parts there is a reference to Rs.5,000/- as expenses and payment of another Rs.15,000/- later on.

7. Having regard to the aforestated position, this Court does not find any ground to doubt the allegations as have been levelled in the FIR. As such, the custodial interrogation of the petitioner would be required to unearth all the finer details. No special case for grant of anticipatory bail is made.
8. The petition is sans merit and is hereby dismissed.

24.5.2023

kamal

(Gurvinder Singh Gill)
Judge

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