

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

CRM-M-25610-2023 (O&M)
Date of Decision:-25.5.2023

Vir Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Walia, Advocate for the petitioner.

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

FIR No.	Dated	Police Station	Section/s
6	8.5.2021	Vigilance Bureau FS-1, District SAS Nagar, Punjab	409, 420, 419, 465, 467, 468, 471, 477-A, 201, 120-B of Indian Penal Code; Sections 80, 81, 82 of Regulation Act, 1980 and Sections 7 & 13(2) of Prevention of Corruption Act.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned 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. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the factum of nature of land is yet to be established. Learned counsel for the petitioner has further submitted that, in any case, since the mutations, which had earlier been sanctioned in favour of the petitioner, already stand cancelled, it cannot be said that the State/Gram Panchayat had suffered any loss.
4. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner is the beneficiary of dubious entries effected in the revenue record on the basis of forged documents and, as such, his complicity is clearly evident. It has been submitted that since a huge chunk of land

measuring 17.18 acres had been transferred in favour of the petitioner, whereas the said land actually vested in Gram Panchayat, therefore, the complicity of petitioner cannot be doubted. It has, however, been informed that the petitioner as on date has been behind bars since the last about 8 months and 20 days and that challan already stands presented. It has also been informed that charges are yet to be framed and as many as 18 PWs have been cited. Learned State counsel, upon instructions from Inspector Surinder Singh, has informed that the petitioner is not involved in any other case.

- 5. This Court has considered the rival submissions addressed before this Court.
- 6. It is no doubt correct that specific allegations have been levelled against the petitioner, who is the beneficiary of dubious entries made in the revenue record. In any case, this Court cannot overlook the fact that the petitioner has been behind bars for a substantial period of about 8 months and 20 days. Charges have not been framed till date though challan stands presented. The petitioner otherwise has a clean record. Conclusion of trial is likely to consume time inasmuch as 18 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

25.5.2023

pankaj

(Gurvinder Singh Gill)
Judge

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