

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27966-2022 (O&M)

(1) Shyam Lal ...Petitioner
Versus
State of Punjab ...Respondent

CRM-M-39126-2022 (O&M)

(2) Banarsi Dass ...Petitioner
Versus
State of Punjab ...Respondent

CRM-M-2677-2023 (O&M)

(3) Parveen Kumar ...Petitioner
Versus
State of Punjab ...Respondent

Date of Decision:- 23.3.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai and Mr. Paras Talwar, Advocates
for the petitioner(s) in CRM-M-27966-2022 & CRM-M-39126-2022.

Mr. Rajinder Goel, Advocate for the petitioner
in CRM-M- 2677-2023.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by Inspector Surinder Kumar.

Mr. Pankaj Bali, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Shyam Lal, Banarsi Dass and Parveen Kumar seeking grant of regular bail in a case registered vide FIR No.06, dated 8.5.2021, at Police Station State Vigilance Bureau, Phase-1, District SAS Nagar, Mohali, under Sections 409, 420, 465, 467, 468, 471, 477-A, 201, 120-B IPC and Sections 7, 13(2) of the Prevention of Corruption Act, 1988 and Sections 80, 81, 82 of the Registration Act, 1908.
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	As per record included share	Area as per than share	Area from enhanced share
1	Sukhdev Singh son of Harnam Singh	Nil	440 parts	Nil	20 Acres
2	Amrik Singh son of Ujjagar Singh	Nil	1533 parts	Nil	69.68 Acres
3	Rakesh Attri son of Girdhari Lal	Nil	1680 parts	Nil	76.36 Acre
4	Bir Singh son Gurdas Singh -	—	378 parts	--	17.18 Acres
5	Sampooran Singh son of Rai Singh	1321 parts	1531 parts	6.95 Acres	62.64 Acres
6	Babu Ram, Kalu Ram, Sita Ram, Pooran sons of Ujjagar	262 parts	1437 parts	11.90 Acres	53.41 Acres
7	Kamaljit Singh of Amrik Singh	Nil	1720 parts	Nil	78.18 Acres
8	Ram Asra son Sadaa Ram	—	399 parts	--	18.13 Acres
9	Surjan son of Kapooria	—	1306 parts	--	59.36 Acres
10	Smt Maya D/o Chajju	—	336 parts	--	15.27 Acres
11	Biro D/o Bishni	—	376 parts	--	17.90 Acres
12	Smt Mato D/o Nandu	—	758 parts	--	34.45 Acres
13	Rala Ram son of Jaati	—	453 parts	--	20.59 Acres
14	Ram Gopal son of Bachan son of Karmo	—	330 parts	--	15 Acres
	TOTAL				558.15 acre

4. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case in respect of the transactions which had taken place long back. It has further been submitted that having regard to the nature of allegation and the fact that challan already stands presented and the petitioners have been behind bars for the period ranging from 6 months to 1 year and some identically situated co-accused have already been granted bail, the petitioners also deserve the same concession.
5. Opposing the petitions, the learned State counsel has submitted that it is a case where the accused in connivance with the revenue officials had usurped *Shamlat* land by showing the same to have been transferred to them on the basis of forged and fabricated entries and as such, do not deserve the concession of bail.
6. The learned State counsel has submitted that as far as the role of petitioner-Banarsi Dass is concerned, he is shown to have become owner on the basis of transfer of some land shown to have been recorded in Mutation No. 4477 dated 18.6.2014 which is recorded to have been transferred to his name by one Dharampal whereas Dharampal did not own any such land. It has further been submitted that subsequently the said land was sold by Banarsi Dass in connivance with Shyam Lal, Property Dealer, Daulat Ram Patwari and Varinderpal Singh Dhoot, Naib Tehsildar vide several sale deeds for an amount of Rs. 2.65 crores.
7. The learned State counsel, while referring to the reply filed in the case of petitioner Shyam Lal has submitted that petitioner Shyam Lal had played active role by way of conniving with the revenue authorities and getting

recorded entries in respect of *shamlat* land in favour of private persons on the basis of forgery and fabrication of revenue record. It has further been pointed out that the petitioner Shyam Lal was instrumental in preparing a forged power of attorney of one Biro whereas she had already expired about 20-25 years back.

8. The learned State counsel, while further referring to the reply filed by the State in petitioner Parveen Kumar's case, has submitted that one Kamaljit Singh was shown to be owner of 78.18 acres of land and the petitioner Parveen Kumar had purportedly obtained power of attorney from said Kamaljit Singh and had sold 10 acres of land out of the same to different persons, though the land as a matter of fact was *shamlat* land.
9. The learned State counsel has further informed that while petitioner Banarsi Dass has been behind bars since the last about 8 months, petitioner Shyam Lal has been behind bars since the last more than 1 year and 3 months and petitioner Parveen Kumar has been behind bars since the last 6 months and 18 days and that although 26 prosecution witnesses have been cited but none has been examined so far. It has further been informed that challan stands presented but charges are yet to be framed.
10. This Court has considered rival submissions addressed before this Court.
11. As per the case of prosecution, during the course of investigation, sufficient evidence has been collected to establish the complicity of the petitioners. However, at the same time, this Court also notices that the petitioners have been behind bars for a substantial period ranging from 6 months to more than 1 year. Conclusion of trial is likely to consume time inasmuch as trial

has not even commenced till date as charges are yet to be framed. In these circumstances, further detention of the petitioners will not serve any useful purpose.

12. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
13. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.
14. A photocopy of this order be placed on the file of connected cases.

23.3.2023

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Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)

Judge

Yes / No
Yes / No