

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

Date of decision: 1st February, 2023

(1)	CRM-M-17940 of 2022 (O&M)	
Ravinder Singh		Petitioner
	Versus	
State of Punjab		Respondent
(2)	CRM-M-48179 of 2021 (O&M)	
Sukhdev Singh		Petitioner
	Versus	
State of Punjab		Respondent
(3)	CRM-M-12975 of 2022 (O&M)	
Balbir Singh		Petitioner
	Versus	
State of Punjab		Respondent
(4)	CRM-M-30214 of 2022 (O&M)	
Hans Raj		Petitioner
	Versus	
State of Punjab		Respondent
(5)	CRM-M-30450 of 2022 (O&M)	
Paramjit Singh		Petitioner
	Versus	
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B. S. Sidhu, Senior Advocate with
Mr. Divij Datt, Mr. Gurcharan Dass, Mr. Gursimran Singh,
Advocates for the petitioners.
Mr. I. S. Mann, DAG. Punjab.

AVNEESH JHINGAN, J (Oral):

This order shall dispose of the above mentioned five petitions as the same arise out of one FIR.

For the sake of convenience, facts are being taken from CRM-M-17940 of 2022.

This is a second petition seeking regular bail in FIR No. 6 dated 8.5.2021, under Sections 409, 420, 454, 465, 467, 468, 471, 477-A, 201, 120-B IPC and Section 7 of the Prevention of Corruption Act, 1988 registered at Police Station Vigilance Bureau, FS-1, Punjab at Mohali District, SAS Nagar, Mohali.

Reply filed on behalf of the State is taken on record.

Learned counsel for the petitioner claims parity with co-accused Rabbi Singh @ Ravi Singh @ Rabi Singh who was granted regular bail by this court on 16.1.2023 in CRM-M-1027 of 2023.

On 16.1.2023, this court passed the following order:

“1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.06, dated 8.5.2021, at Police Station Vigilance Bureau, Phase-1, District SAS Nagar, Mohali, under Sections 420, 409, 465, 467, 468, 471, 477-A, 201, 120-B of Indian Penal Code and Section 7 of Prevention of Corruption Act, 1988.

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, RevenuePatwari, 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 share	Remarks
1	Sukh Singh son of Harnam Singh	None	440 share	None	20 Acres	Page No. 10 of mutation

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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 of 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 son 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
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4. *Learned counsel for the petitioner contended that the petitioner had been nominated as an attorney by way of issuance of General Power of Attorney dated 18.8.2011 by Amrik Singh and on the basis of said GPA, the petitioner had sold-off 69.68 acres of land belonging to Amrik Singh by way of 9 saledeeds during the period 2012-2014 whereas it is in the year 2021, the present FIR came to be lodged.*
5. *Learned counsel for the petitioner has submitted that the petitioner was barely 9 years old in year 1991, when the shamlat land was transferred in the name of private individuals and, as such, he cannot be said to be part and parcel of the said conspiracy and that he in good faith had sold-off the land in the capacity of attorney in the year 2011 i.e. after about 21 years of the said transfer and had no clue whatsoever that the land actually did not belong to Amrik Singh and was a shamlat land. Learned counsel for the petitioner has further submitted that the petitioner, in any case, has been behind bars since the last about 6 months and otherwise has a clean record.*
6. *Opposing the petition, learned State counsel has submitted that even if it is presumed that the petitioner was not associated with the illegal transfer of land from the ownership of shamlat to private individuals in the year 1991, but given the fact that the so called owner of the land namely Amrik Singh, who is stated to have executed General Power of Attorney in favour of the petitioner, is infact non-existent and was not traced by the police, the complicity of the petitioner is clearly evident. Learned State*

counsel has further submitted that the manner in which the entire 69.68 acres of land had been sold by way of executing 9 different sale-deeds within a short period of 2 years clearly shows that the motive was to quickly dispose of the land and to pocket the entire money and thus cause huge loss to the State exchequer.

7. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last about 6 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 26 PWs have been cited.

8. This Court has considered the rival submissions.

9. 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 6 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 26 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.”

Learned counsel for the State though opposes the prayer for grant of bail, he is not able to distinguish the parity of the petitioners with the co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case and on the basis of parity of the petitioners with the co-accused so far as grant of bail is concerned, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petitions are allowed.

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

Since the main petitions have been disposed of, pending applications, if any, are rendered infructuous.

Photocopy of the order be placed on the file of each connected case.

[AVNEESH JHINGAN]

JUDGE

1st February, 2023

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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No