

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

Amrinder Singh Bhinda and another ... Petitioners

State of Punjab ... Respondent

Present:- Mr. Himmat Singh Deol, Advocate, for the petitioners.

Ms. Manpreet, Advocate for
Ms. Anju Arora, Advocate, for the applicant
in CRM-1718-2023.

FIR No.	DATE	POLICE STATION	OFFENCES
69	28.06.2022	Nurpur Bedi District Rupnagar	420, 465, 467, 468, 471, 120-B IPC and Sections 7, 7-A, 8, 13 of Prevention of Corruption Act, 1988.

GURVINDER SINGH GILL, J. (Oral)**CRM-7356-2023**

By way of this application, applicant/respondent No.2 seeks permission to implead 'Sarbat Da Bhala Charitable Trust' through its President as respondent No.2.

Notice of the application be issued to non-applicants.

At this stage, learned counsel for the petitioner, who is present in the Court accepts notice.

In view of the reasons mentioned in the application, the same is allowed and 'Sarbat Da Bhala Charitable Trust' through its President is ordered to be impleaded as respondent No.2. Amended memo of parties annexed with the application is taken on record.

Main case

1. The petitioners seek grant of anticipatory bail in a case registered in a case arising out of above mentioned FIR.
2. The allegations, in nutshell, are that the petitioners had sold their land to Forest Department at a highly inflated rate of Rs.9.9 lakhs per acre whereas the Collector's rate was barely Rs.90,000/-.
3. Notice of motion had been issued. During the pendency of this petition, the petitioners have returned the entire amount which they had received from the Government in lieu of the sale in question. The said amount is to the tune of more than Rs.6.37 crores.
4. The State counsel has not disputed the fact that the entire amount stands returned. However, Mr. Bhupender Ghai, Advocate,

representing respondent No.2-Sarbat Da Bhala Charitable Trust has stated that as a matter of fact the land in question sold by the petitioners did not belong to them and belongs to the said Trust which on the basis of some forged transfer deeds, the petitioners have reflected to be transferred to them. Learned counsel submits that once the entire amount is being paid by the petitioners to the Government, the same is virtually in the nature of an admission and that the land in question which actually belongs to respondent No.2 be returned back.

5. Learned counsel for the petitioners has however, pointed out that it was on the basis of genuine transfer deed that the land in question was transferred to the petitioners and on the basis of which mutation also stands effected and that respondent No.2 would have its civil remedies in case it has any grievance in respect of the transfer deeds in question.
6. This Court has considered the rival submissions.
7. This Court need not go into the controversy as regards the ownership of the land i.e. as to whether it belongs to the petitioners or to respondent No.2-Trust. The said question is to be left open to be decided by the Civil Courts.
8. Since the entire amount in question already stands returned and the petitioners are stated to have joined investigation and undisputedly the entire case is based on documentary evidence, this Court does not find the instant case to be a case where custodial interrogation would be warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 09.11.2022 are hereby

made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

09.05.2023

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(GURVINDER SINGH GILL)

JUDGE

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