

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

CRM-M-36312-2022 (O&M)
Date of Decision:- 27.1.2023

Rohtash

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Inspector Naval Kishore.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.0025 dated 19.7.2022 under Sections 10 of Haryana Development & Regulation of Urban Areas Act, 1975, under Section 81 of Registration Act, 1908, under Sections 120-B, 420 IPC, 1860 and 13(2) 13(1)(d) of the Prevention of Corruption Act, 1988 registered at P.S. SVB, Gurgaon, District State Vigilance Bureau.
2. This Court while staying the arrest of petitioner on 29.9.2022 has passed the following order:

“This petition is filed seeking anticipatory bail in case of FIR No. 0025 dated 19.7.2022 under Sections 10 of Haryana Development & Regulation of Urban Areas Act, 1975, under Section 81 of Registration Act, 1908, under Sections 120-B, 420 IPC, 1860 and 13(2) 13(1)(d) of the Prevention of Corruption Act, 1988 registered at P.S. SVB, Gurgaon, District State Vigilance Bureau.

As per the case set up, the petitioner was having additional charge of Tehsildar, Mahendergarh. He in collusion with property dealer registered eight release deeds by making reference to Section 10 and Article 55-B of the Indian Stamp Act, 1899 (for short 'the Act'). The allegations are that the documents were actually transfer deeds and not release deeds. By registering the transaction as release deeds, a loss of Rs. 22,51,743/- has been caused to exchequer.

Learned Senior counsel for the petitioner submits that allegations are based upon the documentary evidence and interpretation of the provisions of the Act is involved. Factually it has to be decided as to whether the documents registered falls within the category of release deed or not. He submits that the petitioner is ready to join the investigation, will lend full co-operation and documents are available with the department. He submits that the orders passed by the petitioner are being questioned without getting approval under Section 17-A of the Prevention of Corruption Act, 1988.

Learned State Counsel seeks time to have further directions. List on 4th November, 2022.

In the meantime, arrest of the petitioner is stayed subject to his joining investigation within one week from today. ”

3. Learned State counsel has submitted that the petitioner has joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is wanted in one more case.
4. Having regard to the aforestated position wherein the petitioner has joined investigation and he is not stated to be required for any custodial interrogation, the petition is accepted and in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

27.01.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No