

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46988-2022 (O&M)
Date of Decision:- 13.2.2023

Gurjant Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 10 dated 7.9.2022 under Sections 13(1)(A) read with Section 13(2) of the Prevention of Corruption Act, 1988 and Sections 409, 420, 465, 467, 468, 471/120-B IPC at Police Station Vigilance Bureau, Bathinda, District Bathinda.
2. The allegations, in nutshell, are that as per *Jamabandi* for the year 2001-2002, Gurbachan Singh etc. were recorded as owners of land measuring 5-0 *kanals*, which was shown to be mortgaged with Gurdial Singh (grandfather of Sukhmander Singh). It is alleged that in *Jamabandi* for the year 2006-2007, Sukhmander Singh is shown to be owner of land measuring 9 *kanals* 18 *marlas* though in the original revenue record for the year 2006-2007 maintained with the Government (*Parhat Sarkar*), the land is still shown to be owned by Gurbachan Singh and mortgaged with Gurdial Singh. It is, thus, alleged that the revenue record for the year 2006-07, maintained at the

level of *Patwar-khana* (*Parhat Patwar*) had been tampered with. It is further alleged that even the parentage of Sukhmander Singh is found to be changed inasmuch as name of his father is recorded as Gurdial Singh instead of Balbir Singh. It is also alleged that subsequently at the time of preparation of *Jamabandi* for the year 2011-2012 on the basis of the record maintained at *Patwar-khana* pertaining to the year 2006-2007, the parentage of Sukhmander Singh is mentioned as Sukhmander Singh son of Balbir Singh son of Gurdial Singh and was, thus, changed from the previous year's parentage i.e. Sukhmander Singh son of Gurdial Singh, without there being any entry of mutation or correction. It is alleged that *Jamabandi* record for the year 2011-2012 had been prepared by Gurjant Singh, Patwari (petitioner) and the said *Jamabandi* record bears his signatures. Gurjant Singh is alleged to have incorporated the changes as against the rules and procedure. During the tenure of Gurjant Singh - Patwari, Sukhmander Singh sold land measuring 9 *kanals* 18 *marlas* to Avtar Singh for a sum of Rs. 12,37,500/- by way of sale deed No. 2374, 2375 dated 2.12.2013. It is further the case of prosecution that the purchaser Avtar Singh informed that the deal had been effected through Gurjant Singh, Patwari who had told him to make the payment to Sukhmander Singh in his presence.

3. The learned counsel representing the petitioner has submitted that he has falsely been implicated in the present case and that the *Jamabandi* record for the year 2011-2012 was prepared on the basis of previous *Jamabandi* for the year 2006-2007 and that the petitioner was never posted in the said *Patwar-khana* when the previous *Jamabandi* for the year 2006-2007 was recorded and since the change in name of owner is reflected in the *Jamabandi* for the year 2006-2007, therefore, it is the Patwari who was posted in the *Patwar-*

khana concerned during the said period of 2006-2007, who would be responsible for any unauthorised change in record effected against the rules. It has further been submitted that even when the *Jamabandi* for the year 2011-2012 was recorded, he had merely signed on the said *Jamabandi* at the final stage and that it is his predecessor who had drafted/prepared the same. The learned counsel, in this regard, has drawn the attention of this Court to letter dated 1.8.2012 (Annexure P-1) which shows that it is only pursuant to order dated 26.7.2012 passed by the District Collector, Bathinda that the petitioner had been transferred to Patwar Circle, Poohla, whereas it is by 30th June that the *Jamabandies* are supposed to be prepared. It has also been submitted that the petitioner cannot be said to be beneficiary in any manner and since co-accused Sukhmander Singh had been granted anticipatory bail, the petitioner also deserves the same concession on grounds of parity.

4. Opposing the petition, the learned State counsel has submitted that while it is correct that the petitioner was not posted in the *Patwar-khana* concerned in the year 2006-07 but the facts and circumstances clearly show that the changes in the revenue record had not been made in the year 2006-2007 but have been made subsequently so as to extend undue benefit to Sukhmander Singh, who was nowhere in the picture but has been conferred ownership by these incorrect and unauthorised entries in revenue record. The learned counsel submits that it is only in the record maintained in the office of *Patwari* that the changes have been made in the revenue record pertaining to the year 2006-2007 and not in the revenue record maintained in the office of revenue department, which is known as '*Parhat Sarkar*'. It is a case where Sukhmander Singh, beneficiary, has been conferred ownership by way of forgery of revenue record and that in case such changes or forgery had been

brought about in the year 2006-2007 itself, Sukhmander Singh would not have waited for 6 years to further sell the property and would have immediately disposed of such property where he is reflected to be owner on the basis of forgery. It has further been submitted that that statement of purchaser Avtar Singh has been recorded who has clearly stated that the deal has been effected through Patwari Gurjant Singh who had shown him the land.

5. This Court has considered rival submissions addressed before this Court.
6. It is a case where revenue record had been tampered with so as to show that Sukhmander Singh is owner of land measuring 5-0 *kanals* whereas originally it is grandfather of Sukhmander Singh who merely was a mortgagee while Gurbachan Singh and others were the original owners. It is the record pertaining to the year 2006-2007 which has been tampered with on the basis of which incorrect entries have been recorded in the *Jamabandi* for the year 2011-2012. The petitioner was posted in the *Patwar-khana* concerned in July, 2012. The sale of the land in question was made during the tenure of the petitioner. The said sale-deeds were executed on 2.12.2013. Still further, a perusal of the statement of Avtar Singh, purchaser to whom Sukhmander Singh had sold the land in question, clearly shows the complicity of the petitioner. A copy of the said statement is annexed with the reply filed on behalf of the State. The relevant extract is reproduced herein-under :-

“.....The above said Sukhmander Singh offered to sell this land to me as he needed money for his daughter's marriage. As this land was adjacent to my land, I also wanted to purchase more land and as such I went to the area Patwari Gurjant Singh to check the concerned land record. There Patwari Gurjant Singh showed me the land record

which was jamabandi for the year 2011-2012 relating to Khewat No. 1329, Khasra No. 204//17/2(2-0), 24/1 (3-0), 24/2(4-18) total 9 Kanal 18 Marla, in which Sukhmander Singh Son of Balvir Singh Son of Gurdial Singh was entered as owner. Patwari Gurjant Singh told me that the record is correct and he gave me a copy of Jamabandi of the year 2011-2012. After 2-3 days the Patwari Gurjant Singh got settled the deal of this land for Rs.12,37,500/- and I gave him Rs.3,00,000/- as advance. The sum of Rs.3,00,000/- was transferred in my account No.02762010022620 in the Oriental Bank of Commerce, Branch Bhucho Mandi on 05.09.2013 by my cousin Harmander Singh Son of Gurbhajan Singh, Resident of Chandigarh. Thereafter I gave this amount in cash to the above said Sukhmander Singh. Gurjant Singh Patwari had said to me that the remaining amount of the consideration money be paid to Sukhmander Singh in his presence, but Sukhmander Singh told me by coming to my house that the remaining consideration money should be paid to him at his house on the day of executing the registered sale deed of the land and if the amount is paid in front of Patwari Gurjant Singh he will cancel the deal and the registered sale deed will not be executed. After this I got transferred in my bank account no. 02762010022620 in the Oriental Bank of Commerce, Branch Bhucho Mandi, Rs. 3,75,000/- on 25.11.2013 and Rs. 4,75,000/- on 27.11.2011, by my cousin Harmander Singh Son of Gurbhajan Singh, Resident of Chandigarh and withdraw Rs. 8,50,000/- in cash from the bank. The remaining consideration amount was paid to Sukhmander Singh on 02.12.2013 that is the day on which the registered sale deed was executed afterwards.....”

7. Having regard to the facts and circumstances of the case, it is evident that the petitioner has played a pivotal role in tampering with the revenue record as maintained in the *Patwar-khana (Parhat Patwar)* so as to show Sukhmander Singh as owner. The said forgery had apparently taken place during the tenure of the petitioner and it was during his tenure that he mediated a deal regarding sale of land by Sukhmander Singh in favour of Avtar Singh. As such, the complicity of the petitioner is clearly evident. In

these circumstances, this Court does not find any special case for grant of anticipatory bail.

8. There is no merit in this petition and the same is hereby dismissed.

13.2.2023
kamal

(Gurvinder Singh Gill)
Judge

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