

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46263-2023
Date of decision: 22.9.2023

Amit Mishra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kanwaljit Singh Sr. Advocate with
Mr. Robin Gill, Advocate for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
69	28.06.2022	Nurpur Bedi, District Rupnagar	420, 465, 467, 468, & 471 IPC (Section 7, 7A 8 & 13 of Prevention of Corruption Act, added later on)

1. The petitioner apprehending arrest in the FIR captioned above, had come up before this Court under Section 438 CrPC seeking regular bail.
2. Petitioner’s counsel submits that interim bail was granted to petitioner vide order dated 15.09.2023 subject to compliance of certain conditions. He further submits that the petitioner has voluntarily complied with the order dated 15.09.2023 and handed over his affidavit to the State counsel. He further submits that his wife is out of station and undertakes to declare her assets by 30.09.2023.
3. Status report dated 22.09.2023 filed in the Court is taken on record.
4. The allegations against the petitioner are that petitioner, who is an Indian Forest Service Officer in the capacity of a Chairperson, had allegedly purchased land for Government which was 9 times higher than the collector rate of the circle.
5. By opposing the bail petition, counsel for the State refers to para 6 of the reply and states that the petitioner being in his official capacity alongwith other committee members submitted a wrong report under their signatures.

6. Be that as it may, the fact remains undisputed that the entire sanction was done at the higher level of the Government and petitioner was not competent enough to purchase the land. Further entire money has been returned by the sellers to the Government after registration of FIR and they were granted bail, as such there is no reason not to extend benefit to the petitioner.

7. Since the petitioner has voluntarily declared all his assets though affidavit and undertakes to declare assets of his wife by 30.09.2023, the petition is allowed and interim order dated 15.09.2023, is made absolute. Pending applications if any, stand disposed of.

8. It is clarified that in case affidavit declaring assets of petitioner’s wife is not filed within the stipulated time period, it shall be permissible for the State to file an application for cancellation of bail.

(ANOOP CHITKARA)
JUDGE

22.09.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.