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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49190 of 2022 (O&M)
Date of Decision: 09.01.2023

DILPREET SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pritam Singh Saini, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.7 dated 06.06.2022, registered under Sections 7, 7-A, 13(1)(A)(2) of Prevention of Corruption Act and Section 120-B IPC registered at P.S. Vigilance Bureau, Flying Squad 1, District SAS Nagar Mohali, Punjab.

During investigation of FIR No.6 dated 02.06.2022 under Sections 7, 7-A of the Prevention of Corruption Act (as amended by Amendment Act, 2018) and under Section 120-B IPC, Police Station Vigilance Bureau, Phase-1, Punjab at

Mohali, the accused Harmohinder Singh, Contractor, Forest Department made a statement under Section 27 of the Evidence Act to the effect that since 2017 till date, whatever bribe was being paid from time to time to the senior officers of Forest Department and political persons and their aides, he had maintained a diary and he could get the same recovered by identifying the place. On the basis of aforesaid statement of Harmohinder Singh, diary was recovered and the details contained therein came to fore. The alleged diary has the details of felling of *Khair* trees and other details.

As per allegations, the Contractors carried out the work of *Khair* trees from the months of October to March for which they had to take permit from the Forest Department. In lieu of this work, bribe was received by the Forest Department from them. For one season, the accused used to get permit of felling of about 7000 trees. An amount of Rs.500/- per tree was being paid to the concerned Minister of the Forest Department, an amount of Rs.200/- per tree was being paid to the Divisional Forest Officer, an amount of Rs.100/- per tree was being paid to the Range Officer, an amount of Rs.100/- per tree was being paid to the Block Officer and an amount of Rs.100/- per tree was being paid to the Forest Guard.

Petitioner is a forest guard and the allegation against

him is of receiving Rs.100/- per tree from the Contractors. Besides the aforesaid allegation, the petitioner has prepared forged demarcation report and the petitioner has been chargesheeted departmentally.

Learned State counsel submits that custodial interrogation of the petitioner is required in order to do effective adjudication/investigation.

The cases of financial embezzlement/economic offences stand on a different pedestal as that of other cases. It has come on record that during course of investigation, the land measuring 85 Kanals which is *Jumla Mustarka Gair Mumkin Pahar* falls within the jurisdiction of Forest Department. There was complete ban on any construction activity over this land. The co-accused of the petitioner has leveled the hillocks with the JBC Machine in connivance with the petitioner, who had prepared forged demarcation report. The co-accused had no right or permission to do the alleged act. The Checking Teams of the Forest Department have found that the pillars (Burzi) of the de-listed area had been broken and the hillocks have been leveled. It was the duty of the petitioner to detect the aforesaid illegal activities and make a report of the same to the Forest Authorities, rather the petitioner in connivance with other co-accused was instrumental in getting the forest land encroached

by the co-accused. The petitioner has been proceeded against departmentally for getting the illegal mining done in connivance with other co-accused in his Beat area on the forest land. *Prima facie*, the petitioner has a role in the entire transaction in order to favour the co-accused.

In my considered opinion, custodial interrogation of the petitioner is required to ascertain the alleged mode and manner of alleged commission of the offence. The defence of the petitioner can only be appreciated after collection of material evidence during course of the investigation.

In view of gravity of the act, the petitioner is not entitled to any concession of anticipatory bail. Consequently, the present petition is dismissed.

January 09, 2023

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No