

CRM-M-1650-2024

1

107

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1650-2024

Date of decision : 12.01.2024

Harpal Singh

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Bhupinder Ghangas, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1. Prayer in the petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.448 dated 13.08.2023 under Sections 120-B, 420, 467, 468 and 471 of IPC registered at Police Station Tosham, District Bhiwani (Annexure P-1).

2. As per the contents of the FIR, it has been alleged as under:

“Sir, Today on dated 13.08.2023 a letter No. 1487/SPL DATE 11.8.23 was received in the police station through post from SP Office Bhiwani. The contents of which is mentioned here under-To, The SHO, PS Tosham Distt Bhiwani, Sir an intelligence was received to the to the CM Flying Squad Rohtak that the subsidy is being given to the farmers of District Bhiwani by the Agriculture Department of the state for the purpose of installation of Mini Drip by which as per the year of 2018-19 Ravi S/o Balwan Singh, Dariya S/o Jot Ram, Kuldeep S/o Prem Parkash & Sunita Devi WWo Sukhbir, Habeeb S/o Sh. Shyarna residents of

village Miran PS Station Tosham, Distt. Bhiwani had taken the subsidy in a fraudulent way under this scheme in connivance with the Agency Dealer, Ravi S/o Balwan Sagar Bhandari private limited company and the officials/employees of the Agriculturo Deptt. by showing the lesser land as more land in documents and there was no land in their name even then they took subsidy and in this way caused loss to the revenue of the Government During inquiry record was obtained from the office of Assistant Land Conservation Officer, Bhiwani Upon analysis of record it was found that in the year 2010-2019 Balwan S/o Ram Singh had taken the subsidy of Rs. 3,81,050/- on 12 acre of land and Prem S/o Ram Singh had taken the subsidy of Rs. 3,83,200/- on 12 acre of land Ravi S/o Balwan Singh, Kuldeep S/o Prem Parkash had also taken the subsidy on the above stated land, whereas according to record Ravi S/o Balwan Singh and Kuldeep S/o Prem parkash residents of Miran had no land as per the revenue Deptt. in their names In the year 2018-2019 Ravi had taken Rs. 2,18,263/- and Kuldeep had taken Rs. 3,03,008/- as a subsidy on the above said land through the Deptt. of Agriculture, whereas as per the Govt. Instructions only the person having the land in his name is entitled for subsidy. In the year 2018-19 Spot Inspection of the files of farmers pertaining to the subsidy for Mini Drip/Tapka System was done and verified by Harpal Singh Agriculture Inspector, Tara Chand Agriculture Inspector, Adarsh Kumar DMA, SCO Ashok Chahar& ASCO Mukesh Arya. Farmers Ravi & Kuldeep had got prepared a false inspection report and again received the amount of subsidy/grant on the same land in connivance with Harpal Singh Agriculture Inspector, Tara Chand Agriculture inspector, Adarsh Kumar DMA, SCO Ashok Chaher and ASCO Mukesh Arya and caused a loss of Rs. 5,21,271/-& in this manner committed an offence U/S

420,467,408,471 & 120-B of IPC & a case may be registered & investigation may be initiated against them. An action may be taken as per the rules the against any other official/employees and may be joined in investigation if found to be involved from evidence collected during the investigation. S/d Rajbir Singh SI CM Flying Squad Haryana Rohtak.

XXXX”

3. The precise role and the allegation qua petitioner is that he being Agricultural Inspector was required to verify the land and only on such verification, the subsidy could be released. However, later on it was discovered that land was much less than what was projected by the land-owners and the same was wrongly verified by the officials.

4. Keeping in view the allegations against the petitioner being one of the conspirators which led to misusing of public welfare system, this Court does not find it to be a fit case for grant of pre-arrest bail.

5. As per settled law petitioner is required to make out a case for invoking jurisdiction under Section 438 Cr.P.C. In ***Gurbaksh Singh Sibbia vs. State of Punjab, 1980(2) SCC 565***, Apex Court has held that :-

“..That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while

deciding an application for anticipatory bail....”

6. Likewise while reiterating the law laid down in ***Gurbaksh Singh Sibbia's case (supra)*** Apex Court in ***Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1*** held that :-

“(4) Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it.”

7. As per settled law in ***C.B.I vs. Anil Sharma, 1997(7) 187*** there is a qualitative difference between custodial interrogation and questioning a person insulated by pre-arrest bail. Investigation at this nascent stage cannot be belayed.

8. The nature and the seriousness of the allegations levelled against the petitioner and his conduct are the relevant factors for the adjudication of the present petition.

9 In view of the above, the present petition is dismissed.

10. Needless to say nothing recorded hereinabove should be construed as expression on merits of the case.

(PANKAJ JAIN)
JUDGE

12.01.2024

spn

Whether speaking/reasoned:
Whether reportable:

Yes
No