

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101 CRM-M-3307-2024
Date of Decision : April 24, 2024

SUKHWINDER SINGH -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. L.S. Sidhu, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Gurvinder Singh, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. On 24.01.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.259 dated 19.12.2023, under Sections 177, 199, 200, 420, 120-B of IPC, registered at Police Station Navi Baradari, District Police Commissionerate, Jalandhar.

The prosecution agency was set into motion on a complaint made by Arun Puri, with the allegations that the petitioner vide sale-deed dated 19.12.2007, has sold 16 kanals 18 marlas of land to the complainant and the complainant was put into the specific possession of the land. Not only at one point of time, but in various earlier litigation, there was a specific stand that this piece of land, has been sold to the complainant and when it was acquired by the acquiring authority, the accused has claimed the compensation amount qua the land which was sold to the complainant.

Learned counsel for the petitioner draw attention to the sale-deed Annexure P-3 and submits that infact the petitioner had sold share in the joint khata measuring 16 kanals 18 marlas, to the complainant and he was put into specific possession of the

land, which subsequently was acquired by the State Government. He further draw the attention of this Court to lend vigor to his arguments to the award Annexure P-5, passed by the authority concerned, wherein, the Competent Authority-Land Acquisition-cum-District Revenue Officer, Jalandhar at the time of considering the mode of payment, has categorically held as under:-

“Payment will be made to the land owners and interested persons accordingly to the share as per revenue record at the time of notification under Section 3 (A).”

Finally, it was also observed that in case of any dispute regarding entitlement of compensation, the same will be adjudicated by the competent Court of law.

At this stage, Mr. A.D.S. Sukhija, Advocate has caused an appearance on behalf of the complainant. He has opposed the grant of relief of pre-arrest bail to the petitioner. He submits that earlier an FIR No. 364 dated 29.12.2012, was registered against the petitioner by the complainant and in that proceedings, the petitioner had taken a specific stand in order to defend himself that this piece of land, belonged to the complainant and he has already sold this land to the complainant, therefore, now he cannot bait and switch and claim the compensation amount.

Be that as it may, this Court has examined the submissions made by the learned counsel for the parties.

The mode of payment as held by the Land Acquisition Authority clearly depicts that in case some body has any dispute with regard to payment, the same will be adjudicated by the competent Court of law. A specific query was put to the learned counsel for the complainant, as to whether any application under Section 3A of the relevant Act, has been filed before the authority concerned, to which he answered in negative. However, he submits that the petitioner had filed a false affidavit to claim the compensation. The learned counsel for the petitioner further submits that the entire dispute is of civil nature and is based upon documentary evidence and he is ready and willing to co-operate with the investigating agency.

Notice of motion.

Mr. Digvijay Nagpal, AAG, Punjab, waives service on behalf of the respondent-State and prays for time to file reply to the instant petition.

Adjourned to 22.4.2024.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C. ”

2. Today, the learned State counsel, on instructions imparted to him by A.S.I. Balkaran Singh, has stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined the investigation and he is no longer required for custodial interrogation.

3. However, the learned counsel for the complainant has argued that, since the petitioner has transferred some of the compensation amount, as received from N.H.A.I., in the bank account of his co-accused- Palwinder Singh, who has been declared a “Proclaimed Offender” in another case, therefore, there is every likelihood that his co-accused may flee away from the clutches of law, after withdrawing the compensation amount lying in his bank account.

4. To rebut the above made argument of the learned counsel for the complainant, the learned counsel for the petitioner has rendered an assurance that the petitioner will not utilize the compensation amount, which is lying in his bank account, and/or, in his co-accused’s bank account. He has further submitted that, although the petitioner has purchased some property(ies) through the compensation amount, however, the sale deed(s) of such property(ies) has already been submitted to the investigating officer concerned. Moreover, the petitioner, and/or, his co-accused are ready and willing to swear an affidavit(s) to the effect that they will not create any third party rights over the property(ies) (supra).

5. Insofar as withdrawal of compensation amount by petitioner, and/or, by his co-accused persons is concerned, the learned State counsel has informed this Court that the bank accounts of all the accused have

been freezed, therefore, there is a bleak chance of the compensation amount becoming pilferaged, until the dispute is finally resolved by the competent court of law.

6. In view of the above, the hereinabove extracted interim order dated 24.01.2024, as made by this Court, is hereby made **absolute**, subject to the conditions as enumerated under Section 438(2) Cr.P.C. Moreover, this relief is also subject to the petitioner swearing an affidavit, as detailed in paragraph 4, and, furnishing the same before the investigating officer concerned.

7. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

April 24, 2024
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(KULDEEP TIWARI)
JUDGE

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