

CRM-M-17757-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17757-2024
Reserved on: 02.05.2024
Decided on: 20.05.2024

Rupinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Atul Goyal, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
29	24.11.2023	Vigilance Bureau, Ludhiana, Ludhiana Range	7, 7A of PC Act 1988 and 420/120B IPC

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 10.04.2024, State was asked to file reply and this Court had granted interim bail to the petitioner and the said order is continuing till date.
3. Facts of the case are being taken from the reply dated 22.04.2024, which reads as under:-

“i) That the above mentioned FIR has been registered against the Co-accused Patwari Gurwinder Singh, his private agent Rupinder Singh @ Nikku i.e. the present petitioner and Paramjeet Singh father and Balwinder Singh brother of Patwari Gurwinder Singh on the basis of statement made by complainant Babbu son of Sh. Sant Lal.

ii) That the complainant Babbu has stated that his father Sant Lal had purchased a plot measuring 2585 sq. yards situated at Ashok Nagar, Near Bus Stand, Ludhiana from Raja Ram Partap Singh etc. through vasika no. 742 dated 09.04.1996. The complainant was in need of money due to some domestic reasons and hence, he wanted to sell the aforesaid plot.

iii) That in the month of March 2023, the complainant along with his father went to the office of the Patwari, Area Peeru Banda, where a

person namely Nikku i.e. the present petitioner was sitting on the seat of the Patwari and he disclosed himself as representative (Karinda) of the Patwari. The complainant gave copy of the registry of the plot to the petitioner Nikku and asked him to issue the Jamabandi, RSS been sanctioned in the name of Sant Lal (father of complainant) as per record and if upon which, petitioner replied that the property is old one and its mutation has not the complainant party wants to get the mutation sanctioned, then the matter has to be settled with co-accused Patwari Gurwinder Singh.

iv) That thereafter, petitioner Nikku had arranged meeting of the complainant party with the co-accused Patwari Gurwinder Singh and at that time, co-accused Patwari Gurwinder Singh told the complainant that his work is very difficult, but he will do the same and finding no other alternative, the complainant gave a sum of Rs.40,000/- to Patwari Gurwinder Singh on his demand. Subsequently, co-accused Gurwinder Singh had managed to obtain bribe money of Rs. 27,50,000/- from the complainant and out of which amount of Rs. 11,10,000/- was obtained by father and brother of Patwari by giving assurances that they will get the work done from Patwari.

v) That during this entire period, co-accused Patwari Gurwinder Singh also took Pakistani Jutis worth Rs.3 Lac from the complainant and also took 3,40,000/- cash for purchasing I-Phone and Smart Watch whereas petitioner Nikku @ Rupinder Singh took Rs.80,000/- from the complainant as expenses of his birthday party.

vi) That the complainant made several telephonic calls to co-accused Patwari Gurwinder Singh and his representative (Karinda) petitioner Nikku and also visited their office so many times, but they always put off the matter on one pretext or the other and they did not do the work of the complainant nor returned his money back. In this way, co-accused Patwari Gurwinder Singh, in connivance with his father Paramjit Singh, his brother Balwinder Singh and his representative (Karinda) petitioner Nikku has defrauded the complainant.

vii) Thereafter the complainant made complaint on anti-corruption helpline of Punjab Government and the verification of the complaint was made by the deponent and as per verification report the present case has been registered. Since recovery of bribe money and Pakistani Jutis and mobile i-phones, smart watch is to be effected from the accused and the accused are influential person and can tamper with the prosecution evidence or cause threat or inducement to the witnesses, therefore their arrest/custody was required for proper investigation of the case and notice u/s 41-A Cr.P.C. had not been given to him and reference in this regard had already been given in case diary no.1 dated 24.11.2023 of this case.

Evidence against the Petitioner-

i) The petitioner was working as Karinda (private assistant) of Patwari Gurwinder Singh without any legal authority or order of competent authority.

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ii) The petitioner was kept in government office by Patwari Gurwinder Singh at his own level which establishes the connivance of petitioner with Patwari Gurwinder Singh. It is pertinent to mention here that the petitioner has himself admitted this fact in para no. 09 of the petition that he was temporarily working in the Patwarkhana. Therefore the presence of the petitioner in the office of Patwari Gurwinder Singh has not been denied by him (petitioner).

iii) The petitioner had obtained bribe money of Rs 80,000/- from the complainant. The conversation between the complainant and the petitioner had also taken place through voice messages regarding demand of Punjabi Juttis. Copy of screen short of mobile phone regarding sending the pictures of expensive shoes (Pakistani Jutis) to the petitioner Rupinder Singh @ Nikku is attached herewith as Annexure R-1. Copy of transcript of voice messages is attached herewith as Annexure R-2."

4. Counsel for the State opposes the bail and submits that given the nature of allegations, petitioner is not entitled to bail.

5. I have heard counsel for the parties and gone through the petition.

6. Petitioner seeks bail primarily on the ground that this Court had already granted bail to the father and brother of the Patwari and Patwari, who is main accused, has now been arrested. Counsel further submits that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family. He further submits that the petitioner had already joined the investigation.

7. A analysis would lead to the outcome that petitioner is a first offender and this Court had already granted anticipatory bail to Patwari's father, brother and the petitioner is also on parity with them and coupled with the fact that petitioner was employed by Patwari as his karinda and on that ground alone petitioner cannot be denied bail. Another aspect is that it was the Patwari-Gurwinder Singh, who was the defaulter and department's action is to be required even in that aspect against Patwari who being influential has kept karinda as his assistant without any authority. However, the concerned Revenue Officials must be mindful about the Patwaris keeping karinda as their assistant and must be brought to the notice of government. Its imperative that such revenue officials and the department cannot later plead ignorance regarding such malpractice.

8. In the entirety of facts and circumstances of the case and the fact that father and brother of Patwari had already been granted bail by this Court, petitioner makes out a case for anticipatory bail and it is neither a case of custodial investigation nor pre-trial

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incarceration.

9. Given above, petition is allowed and interim order dated 10.04.2024 is made absolute. Pending applications, if any, stand disposed of.

Registry to send a copy of this order to Secretary Revenue Department Government of Punjab

(ANOOP CHITKARA)
JUDGE

20.05.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.