

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18559-2024(O&M)
Date of Decision: 13.-05.2024

Lekh Raj Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Munish Gupta, Advocate for the petitioner.

Mr.Manpreet Singh Longia, Asst.AG, Punjab.

ANOOP CHITKARA, J.(ORAL)

FIR No.	Dated	Police Station	Sections
3	24.02.2024	Vigilance Bureau, Flying Squad-1, Punjab, Mohali	409, 420, 467, 468, 471, 120-B IPC and 13(1) (A) read with Section 13(2) of PC(Amendment) Act, 2018

1. The petitioner, apprehending arrest in the FIR captioned above,
has come before this Court under Section 438 CrPC.
2. Vide order dated 22.04.2024, this Court had granted interim bail
to the petitioner and the said order is continuing till date.
3. Counsel for the petitioner submits that petitioner is a Patwari
who has retired in 2020 and the incident pertains to the year 2015. However,
counsel for the State submits that his handwriting is required to which



petitioner's counsel, on instructions, submits that the petitioner would voluntarily appear as and when and wherever he is called upon to give his specimen handwriting. He will also co-operate in handing over the admitted handwriting.

4. Role of the petitioner in the case is taken from the reply dated 02.05.2024 which reads as follows:-

“4. Role of the present petitioner:-

That it is submitted that the petitioner Lekh Raj has remained posted as Patwari in the office of District Town Planner, SAS Nagar and Chief Town Planner, Punjab in year 2014-20. The department of Town and Country Planning, Punjab has sanctioned posts of patwaris and these patwaris were specifically recruited to check/verify the facts pertaining to the revenue record while considering matters regarding approval of CLU/ building plans/ layout plans.

5. That it is pertinent to mention here that on 06.08.2015 Promoter M/s Bajwa Developers Limited applied for approval of revised layout plan of his mega residential project falling in Sectors 120, 123, 124 and 125 of SAS Nagar by adding additional approved CLU area of 14.55 acre in the layout plan of 159.28 acres already approved in the year 2013. Revised layout plan was submitted in the office of CTP, Punjab for approval and which was eventually down marked for scrutiny. During which, Patwari, CTP office that is the present petitioner Lekh Raj was categorically asked to match the boundaries of the revised layout plan (supra) with the additional approved CLU area and earlier approved layout plan and to report accordingly, Subsequently, it was reported by the patwari (present petitioner) on 03.09.2015 that the khasra numbers of additionally approved CLU matches with the revised layout plan submitted by the promoter company and these are found to be correct. On the basis of this report of the



patwari and other internal scrutiny of concerned technical officials like Planning Officer, Assistant Town Planner, District Town Planner, Senior Town Planner, the revised layout plan was finally approved by the CTP, Punjab on dated 06.04.2016.

6. During the investigation, it has surfaced that the present petitioner originally has only submitted his report dated 03.09.2015 that Khasra numbers of additionally approved CLU are found to be correct in accordance with the submitted revised layout plan and as a plan of the well conceived conspiracy with the promoter accused Jarnail Singh Bajwa, while submitting his report with ATP for further necessary action, he did not mention that Khasra numbers 4//2, 3/1, 3/2 and 5/2 situated in village Sihanpur were included in the submitted revised layout plan by the promoter without obtaining their CLU. However, the culpability of the present petitioner is established from his act of adding the fact that Khasra numbers 4//2, 3/1, 3/2 and 5/2 of Village Sihanpur are without CLU after completion of the process of approval of the submitted revised layout plan. Had he mentioned this fact earlier in his noting dated 03,09,2015, then this matter would have been reflected in the corresponding notes of the present petitioner and other technical officials of CTP office and would have been taken to some logical conclusion. The size and spacing of the lines added afterwards by the present petitioner clearly suggest that these were added as an afterthought to escape his liability.

7. That during investigation, Jamabandi and detailed report of above said Khasra numbers 4//2, 3/1, 3/2 and 5/2 of village Sihanpur has been obtained from the revenue halqa patwari. According to which Khasra numbers 4//2, 3/1 are registered in the name of Housing and Urban Development Department, Punajb, GMADA, and Khasra numbers 4//5/2 is registered in the name of Pardesh Sarkar'. Moreover, Khasra number 4//3/2 is registered jointly in the names of Ujjagar Singh s/o Sh. Ganda Singh (50/163 share), Lala Singh S/o Sh.



Mehar Singh (35/489 share) and M/s Bajwa Developers Limited (304/489 share).

8. *That it is pertinent to mention here that the Khasra numbers 3//1/1/1, 4//2, 3/1, 3/2 and 5/2 (total area about 1.39 acres) of village Sihanpur which are added in the EWS site of the submitted revised layout plan without obtaining CLU pertains to critical area which was necessary to maintain the contiguity of the project and also to keep intact the EWS site as well as to fulfil the condition of EWS site to be minimum/ 5% of the total scheme area of the revised layout plan. In this case total area of scheme was for 177.72685 acres and 5% of total scheme amounts to about 8.9 acres, apparently without the inclusion of about 1.39 acres of land pertaining to Khasra numbers as mentioned above, the total area of EWS site of the promoter would have fallen short of the mandatory 5% area and the proposed revised layout plan would not have been approved as such. Moreover, the ownership of these disputed khasra numbers lie vested with the State Government, which was major hindrance in obtaining ownership of this area, which makes the promoter company to conspire with the present petitioner in achieving its ulterior motive of getting the revised layout plan approved deceitfully and fraudulently.”*

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

6. Given the delay in registration of FIR and the fact that the petitioner has retired in the year 2020 and in view of the nature of allegation and entire peculiar facts and circumstances of this case, the present petition is allowed. It is, however, clarified that if the petitioner does not comply with his undertaking, the State may file an application for cancellation of the



bail and on this ground alone this Court may cancel his bail. Pending application, if any, shall also stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.05.2024
sunita

Whether Reasoned/Speaking : Yes/No
Whether Reportable : Yes/No