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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 20898 of 2023
Date of Decision :15.01.2024

ASHA RANI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vipul Jindal, Advocate for the petitioner.
Ms. Gaganpreet Kaur, DAG, Haryana.

.....

SANJIV BERRY, J.

The instant petition has been preferred by the petitioner under Section 438 of the Code of Criminal Procedure for anticipatory bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
68	02.03.2023	420, 467, 468, 471, 120-B, 34 IPC	Model Town Panipat

2. The FIR was registered on the basis of Will made by grandfather of the complainant, his father became the owner of the house in question. In the year 2011 Govt. of Haryana framed Policy to transfer custodian land to person in possession and land measuring 132 sq. yards adjacent to their house had been in their possession and the family of the complainant moved application to get this land transfer, to Tehsildar

(Sales). It was informed that an application of the year 2001 vide Sr. No. 232 dated 28.01.2002 is pending in the matter and as such the complainant need not to move any other application. Thereafter, the complainant came to know that on the basis of some forged documents this piece of land has been transferred in the name of Rita Rani which further transferred the land to Naresh Kumar in violation to the Government Policy. The petitioner had registered the documents in violation of the Policy, on the complaint made by the complainant the allotment was cancelled and accordingly the FIR was registered.

3. It is inter alia contended by the petitioner that the petitioner happened to be Tehsildar at the relevant time, who has since retired and she being aged 67 years having unblemished service record has already joined investigation and as such prayed for confirmation of the bail.

4. During the course of the proceedings following orders were passed on 27.04.2023 :-

“ Learned counsel for the petitioner submits that the petitioner retired from the post of Tehsildar (Sales) about eight years go. The Haryana Evacuee Properties (Management and Disposal) Act, 2008 (Annexure P-4) was enacted and came into force. The FIR in question is regarding act and conduct of the present petitioner under the provisions of said Act. One Rita Rani filed an application for transfer of the land, under the provisions of above mentioned Act, claiming herself to be in possession of land measuring 132 Sq.yards, adjoining house No.418L Model Town, Panipat, claiming herself to be in possession of the said house also. Petitioner after receiving the report of Kanugo recommended the transfer of the said land in favour of said Rita Rani.

The allegations are that the petitioner being Tehsildar (Sales) had transferred the land mentioned above wrongly with mala fide intention on the basis of fake documents.

Rather it is submitted that transfer of the land was done by Deputy Commissioner and not by the petitioner. The Government after consideration had set aside the said transfer and sale deed. Disciplinary action had been ordered against the guilty officials. On the complaint, an inquiry was conducted. After finding that the matter to be civil in nature, complaint was ordered to be filed.

Petitioner was not joined in any inquiry. Aggrieved against the same, Puneet Singh filed CRM-M-44866-2021 in this Court where this Court sought the status report and the case in question was registered.

Learned counsel for the petitioner submits that the petitioner is an old lady of 67 years. She has unblemished service record. The case is based on documentary evidence. In support of his contention, he has also placed reliance upon the law laid down by Hon'ble Supreme Court in Satender Kumar Antil v. Central Bureau of Investigation & Anr. 2023(2) RCR(Criminal) 288.

Notice of motion for 06.07.2023.

Mr. Karan Sharma, DAG, Haryana, has appeared on advance notice received by him on behalf of the respondent and prays for time to file the response. Status report / reply be filed.

Heard.

Since the case is based on documentary evidence and all the documents are part of official record, the petitioner recommended for the transfer of the plot being a public servant, so no coercive action be taken against the petitioner till the next date of hearing."

5. Learned counsel for the State on instructions from Ajit Shekhawat, Superintendent of Police, Panipat, present in Court has stated that in pursuance of the aforesaid order the petitioner was allowed to join the investigation and she had joined investigation and is not required for further investigation nor required for custodial interrogation in the case.

6. Considering the fact that the petitioner has already joined the investigation and is not required for further investigation in the matter as

stated by Superintendent of Police present in Court today, the present petition is allowed and petitioner in the event of arrest, is ordered to be released on bail on her furnishing bail bonds/surety bonds to the Investigating Officer/Arresting Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C

7. The petition stands allowed.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

15.01.2024		
Gyan	i) Whether speaking/reasoned?	Yes/No
	ii) Whether reportable?	Yes/No