



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-43790-2024
Date of decision: October 21st, 2024

Lakhmir Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.18 dated 27.12.2023 under Sections 420, 465, 466, 467, 468, 471, 120-B of the IPC, Sections 7/8 of the Prevention of Corruption Act, 1988 and Section 65 of the Information Technology Act, registered at Police Station Economic Wings, Vigilance Bureau, Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner was appointed as Patwari in the year 2016 and has maintained an unblemished service record throughout. It has been further submitted that even as per the complainant and the inquiry conducted, the allegations were primarily levelled against Dharamraj, Patwari, accusing him of forging Mutation No.10808 based on a fake and fabricated exchange deed dated 14.05.2008. Furthermore, as per the learned counsel, this mutation was compared by Mithu Singh, Kanungo

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and thereafter, sanctioned by Tehsildar Sandhura Singh on 15.05.2019. Learned counsel has argued that it is a matter of record that the petitioner was given additional charge of Village Balran-B only on 26.06.2009, where the land in question is situated, and held this charge until 03.10.2019. It has been asserted that this timeline clearly demonstrates that the petitioner could not have been involved in the alleged illegal act, as the forged mutation had already been sanctioned by the Tehsildar as of 15.05.2019, prior to the petitioner assuming charge at Billage Balran-B.

3. It is further submitted by the learned counsel that since the investigation has been completed and challan also presented, couple with the fact that there are no direct allegations against the petitioner regarding the acceptance or demand of any bribe, his further incarceration would serve no useful purpose. The trial is expected to take considerable time, as charges are yet to be framed, and the prosecution has cited as many as 35 witnesses. Additionally, it has also been submitted that the prime accused-Dharam Raj, who allegedly forged and fabricated the mutation and accepted a bribe of ₹7 lakh, along with co-accused Mithu Singh, Kanungo and Tehsildar, who sanctioned it, have already been granted bail. In support, learned counsel has drawn the attention of this Court to the bail orders of the co-accused annexed as Annexures P-5 to P-7.

4. *Per contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite. Learned State counsel, on instructions from Inspector Simranjeet Kaur, has argued that

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although the main allegations were indeed directed at the co-accused, the investigation revealed that all the revenue officials, including the petitioner, conspired to commit the crime in question. It has been argued that there are allegations against the petitioner that he tampered with the computer records of certain revenue entries for the year 2018-19, which facilitated Balwant Singh in being recorded as the owner of the land in question. In connection with this, an illegal gratification of ₹7 lakh was received by the co-accused.

5. However, the learned State counsel, on instructions, has not disputed the custody period of the petitioner, who has now been in custody since 26.07.2024 and also the stage of trial. It has also not been disputed that the prime accused in the present case have already been granted the concession of bail by a coordinate Bench of this Court.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. In the facts and circumstances as enumerated hereinabove, more so when the entire case of the prosecution rests on a documentary evidence, which is now part of the challan, coupled with the fact that the prime accused have already been extended the concession of bail and as many as 35 witnesses have been cited by the prosecution, who are yet to be examined, further incarceration of the petitioner would serve no useful purpose. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.



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8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 21st, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No