



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51014 of 2024
Date of decision: 28th October, 2024

Balkar Singh Patwari
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prabhjeet S. Sullar, Advocate for the petitioner.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.41 dated 06.09.2024 under Sections 406, 409, 420, 465, 467, 468, 471, 120-B of the IPC and Section 13(1)A r/w 13(2) of the Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 (hereinafter referred to as, 'the PC Act') registered at Police Station Vigilance Bureau, Patiala.

2. Learned counsel for the petitioner submits that the petitioner is a Patwari and has been falsely implicated in the present case. It has been argued that there is no direct allegation against the petitioner of demanding or accepting any bribe, yet a case under Section 13 of the PC Act has been erroneously registered against him. The learned counsel

further submits that the petitioner's only alleged lapse was an inadvertent failure to record the mortgage entry in the jamabandi concerning property mortgaged by co-accused Hardeep Singh. Additionally, it is contended that the jamabandi records were computerized by officials designated for this task, and the petitioner, lacking proficiency with computers, was unaware of the technical aspects involved.

3. Learned counsel has also submitted that the case of the prosecution is based entirely on documentary evidence, and there is no material that necessitates any recovery from the petitioner. Therefore, custodial interrogation of the petitioner would not be required.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the status report which has been filed today in the Court by way of an affidavit of Satpal Sharma, PPS, SP Vigilance Bureau, Sangrur. It has been contended that in the report of vigilance inquiry No.03 dated 19.03.2024, it was discovered that co-accused Hardeep Singh alias Gurjeet Singh had taken a loan of ₹2.50 lacs on 23.04.2008 from Primary Cooperative Agriculture Development Bank, Lehragaga, for repairs to his village house. In lieu of this loan, he mortgaged land located in village Wajidpur. The mortgage deed was registered on 17.04.2008 vide Vasika No.33, Sub Tehsil Moonak, and a correspondent entry was recorded by the Patwari in the roznamcha on 18.04.2008, which was reflected in the jamabandi for the year 2005-06.

5. It has been further submitted that when the jamabandi for the year 2010-11 was prepared by the petitioner, he submitted it for review to the Field Kanungo, Munak. Upon inspection, the Kanungo raised 24 objections, including objection No.22, which noted the absence of the mortgage entry regarding co-accused Hardeep Singh's land. Although the petitioner indicated to the Kanungo that the mortgage entry had been included, he failed to actually record this note in the jamabandi for the year 2010-11. This omission allowed co-accused Hardeep Singh and his wife to sell the mortgaged land to Shakuntala Devi vide sale deed dated 30.11.2018, with mutation registered on 31.12.2018. Notably, the area sold included land previously mortgaged, which co-accused Hardeep Singh had not cleared from debt.

6. Furthermore, it has been argued by the learned State counsel that the petitioner acting with mala fides, colluded with co-accused Hardeep Singh to omit the mortgage note from the 2010-11 jamabandi, thereby enabling the fraudulent sale of the encumbered land. Learned State counsel has asserted that this oversight persisted into the jamabandi of the year 2015-16, contributing to financial losses to the State, as co-accused Hardeep Singh defaulted on the outstanding loan balance of ₹4,04,000/- as of 22.04.2024.

7. Additionally, learned State counsel has contended that the petitioner is a man of criminal antecedents with as many as the following five criminal cases registered against him, including two under the PC Act.

- FIR No.54 Dated 23.03.2013 U/s 307,324 IPC PS
Lehragaga Distt. Sangrur.
- FIR No.85 Dated 13.06.2017 U/s 376, 511, 34 IPC PS
Moonak Distt. Sangrur.
- FIR No.29 Dated 21.08.2023 U/s 409,465,467,468,471,120-B IPC and 13(1) R/w 13(2) 7 PC Act 1988 as amended by PC Act (amendment) 2018 and 120-B IPC Ps Vigilance Bureau Patiala Range Patiala.
- FIR No. 06 Dated 13.02.2024 U/s 420, 465, 467, 468, 471, 120-B, IPC and 13(1) R/w 13(2) 7 PC Act 1988 as amended by PC Act (amendment) 2018 and 120-B IPC PS. Vigilance Bureau Patiala Range Patiala.
- FIR No. 93 Dated 04.08.2016 U/s 306, 34 IPC PS. Moonak Distt. Sangrur.

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

9. Prima facie, there are serious and specific allegations against the petitioner. Apparently, the petitioner in collusion with co-accused Hardeep Singh, caused financial losses to the State by deliberately failing to record the mortgage note for the land in question, despite explicit directions from the Field Kanungo. Given the gravity of these allegations and the criminal antecedents of the petitioner, who comes across as a habitual offender, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The

petition stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

October 28, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No