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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.62901 of 2023 (O&M)

Reserved on 09.01.2024

Pronounced on 15.01.2024

Dharminder

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM:

HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:

Mr. G.S Brar, Advocate and
Mr. Shivam Vashisth, Advocate
for the petitioner.

Mr. Luvinder Sofat, D.A.G., Punjab.

Anoop Chitkara, J. (Oral)

FIR No.	Dated	Police Station	Sections
1	10.02.2017	Economic Offences Wing, Vigilance Bureau, Ludhiana	409, 420, 467, 468, 471, 120-B IPC and Sections 13(1)(d), 13(2) of the Prevention of Corruption Act, 1988 (Section 201 IPC added later on)

The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 Cr.P.C. seeking bail.

2. Vide order dated 14.12.2023, this Court has granted interim bail to the petitioner, which is continuing till date.
3. The facts of the case are that there are allegations of violating provisions of Section 3D/3G of National Highway Act, 1956 in connivance and conspiracy with Anand Sagar Sharma, SDM-cum-CALA, Tehsildar-Baljinder Singh, Naib Tehsildar-Manjit Singh and other persons. The allegations were that they not only re-aligned the road but also violated the provisions of Section 3D/3G of National Highway Act, 1956.
4. The petitioner’s counsel seeks bail on the ground that the petitioner was only a Deed Writer and he was paid only a professional fee and had no other role to act upon.
5. State counsel opposes the bail and refers to paragraph 7 of the reply which reads as under:

“Specific role of accused/ petitioner Dharminder:

That the accused/petitioner Dharminder was working as Deed and document writer at Tehsil complex hoshiarpur and he was very familiar with the officials of the revenue department there and was very close and known to the other accused named in this FIR. Moreover, the accused/applicant is aware of the rules and working of the revenue department and in particular he was aware of the law laid down in the National Highway Act 1956 under section 3D(2) as explained in the para no. 6 above. That after the proceedings of 3D/3G (notification) the accused/petitioner, in connivance and conspiracy with other accused and the then Tehsildar namely Baljinder Singh, accused and the then Nayab Tehsildar namely Manjit Singh and accused and the then Registry clerk namely Sukhwinderjit Singh Sodhi wrote and prepared the 5 sale deeds bearing no. 7036 dated 18/02/2016, 7037 dated 18/02/2016, 7222 dated 25/02/2016, 7223 dated 25/02/2018

and 1083 dated 05/05/2016. In the name of other accused who became new owners and grabbed the huge compensation amount. This way the accused/applicant having mala fide intention and mensrea cheated and defrauded actual owners who were not aware of the land acquisition proceedings going on."

6. An analysis of pleadings and arguments clearly point out that the petitioner was working as a Deed and Document Writer and in that connection, he was familiar with the Revenue Department officials and he knew them well. There cannot be any presumption that he would be aware of the notification issued under Section 3D/3G, National Highway Act, 1956 simply because, he knew the Revenue Department officials or he belongs to that area. Needless to say, he was not purchaser or seller of the property and further there is no allegation that he was paid more than professional fee or he paid any bribe to any official.

7. Given above, the petition is allowed and interim order dated 14.12.2023 is made absolute. All pending miscellaneous applications, if any, stand disposed of.

15January, 2024

Sonia Puri

(ANOOP CHITKARA)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No