

5. That it is humbly submitted that the brief facts of the case are that the present FIR was registered by the deponent on 09.08.2023. The (deponent) received letter no.33690/VB/S-8 dated 09.08.2023 of Head Office Vigilance Bureau, Punjab and Diary no.7161 dated 09.08.2023 of SSP, Vigilance Bureau, Range Amritsar along with directions to lodge an FIR against petitioner and other accused. Whereby, Special Secretary of Rural Development and Panchayat of Punjab Government issued memo no.6/47/2023-3 RDE-3/5371 dated 07.08.2023 to Chief Director Vigilance Bureau, Punjab to register an FIR against Kuldeep Singh who was working as A.D.C. (Development), Pathankot at that time. It is submitted that the co-accused Kuldeep Singh wrongfully and maliciously decided the petition filed under Section 11 of the Punjab Village Common Land (Regulation) Act 1971 regarding Govt. land measuring 734 Kanals 1 Marla in favour of private persons in case titled as "Smt. Veena Parmar and others Versus Gram Panchayat Gol Block, Narot Jaimal Singh Tehsil and District Pathankor". In the said FIR, it has been written that Veena Parmar and others to get declared the ownership regarding the aforesaid land measuring 734 Kanals 1 Marla (shamlat land) in their favour filed a petition through their counsel on 13.12.2022. The aforesaid area of the land falls under 2(g)(iii) of Punjab Village Common Lands Act (Regulation) 1961. So, they want to get declared them as owner of the said Shamlat land. The co-accused Kuldeep Singh DDPO Retired working as A.D.C. (Development), Pathankot with the connivance of the accused persons and with malafide intention passed the order dated 27.02.2023 in favour of the persons against the instruction and Rule Regulations of the department.

In the aforesaid matter, Finance Commissioner Village Development and Panchayat created the committee of two enquiry officers vide order dated 18.07.2023. From the enquiry report dated 31.07.2023 conducted by the Enquiry Officers it was concluded that Kuldeep Singh then A.D.C. (Development), Pathankot now retired, on the third day of his posting as Collector Lands passed the orders regarding the land measuring 743 Kanals private 1 Marlas Shamlat land of village Panchayat Gol in favour of the persons. They further clarified that as per section 14 of Punjab Village Common Land Regulation Act, 1961, the exemption is only available in those circumstances when the order passed by the Officer is without any malafide intention or passed in good faith, but in the present case it is found that the said order was not passed in good faith, rather whole of the act of the Officer was with the malafide intention or with the connivance of the private persons. In these types of cases, the Hon'ble Courts have already decided and given powers that if any quasi-judicial officer will pass any order with malafide intent, then legal action can be initiated against such officer. As the wrongful act was committed by Kuldeep Singh, A.D.C. (Development), Pathankot by passing the order of the Shamlat land in favour of the private persons, hence he has committed the offence with the connivance of the private persons. Thus, a case FIR No. 26 dated 09.08.2023 u/s 409/420/120-B IPC & 13(1)(A), 13 (2) PC Act 1988 amendment Act 2018 Police Station Vigilance Bureau, Range Amritsar was registered against the petitioner namely 1) Kuldip Singh DDPO Retired and other person namely 2) Smt. Veena Parmar, 3) Smt. Inderdeep Kaur, 4) Smt. Bharti Banta, 5) Smt. Tarsem Rani, (Petitioner in CRM-M No. 65012 of 2023), 6) Smt. Balwinder Kaur, 7) Smt. Manjit Kaur and 8) Smt. Parveen Kumari (Petitioner). Som Raj @

Tarsem Raj was further nominated as an accused during course of investigation."

4. Counsel for the petitioner seeks bail on the ground that even if the entire case of prosecution is admitted to be correct, the petitioner not only lost the money which she had allegedly given as bribe and they would have no objection if the government takes back the alleged land from them. Moreover, the order which was passed in her favour has already been stayed by the higher court i.e. the Court of Commissioner. Counsel for the petitioner further submits that they should not be denied bail and they would have no objection whatsoever to return the land. Counsel further submits that they would not take such concession as violative of Article 20/21 of the Constitution of India or Indian Evidence Act or any other law.
5. Given the specific stand of the petitioner that no loss would be caused to the State government because they would return the land as and when the authorities come and take it back if it is found in their possession, they would leave the possession in favour of the government and would not object to the same (without conceding and admitting its evidence in the trial) and coupled with the fact it was the lapse on the part of the corrupt government officials and further that the petitioner is a woman, there is no need for custodial interrogation and also no need for pre-trial incarceration.
6. Given above, the petition is allowed and interim order dated 04.01.2024 is made absolute.

Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

10.01.2024

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.