

2025:PHHC:075520



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CRM-M-27960-2025
Date of Decision: 04.06.2025

MANJEET MALIK

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Yesh Paul Malik and Mr. Ankur Malik,
Advocates for the petitioner.

Mr. Rahul Dev, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the instant petition is for grant of anticipatory bail to the petitioner in case bearing FIR No.06, dated 18.02.2025 registered under Section 7 of Prevention of Corruption Act, 1988 and Section 61 of Bhartiya Nayaya Sanhita, 2023 (Section 13(1)(b) and 13(2) of Prevention of Corruption Act, 1988 read with Section 61(2) of Bhartiya Nayaya Sanhita, 2023 added later on) at Police Station ACB, Ambala, District Ambala, Haryana.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the abovementioned FIR, which, it is submitted, has been orchestrated with oblique motives, primarily on account of the petitioner having initiated proceedings against certain developers by issuance of show cause notices. It is submitted that the registration of the FIR is a retaliatory measure aimed at discrediting the petitioner and obstructing the lawful discharge of his official duties.

It would be essential to refer to the allegations in the FIR lodged at the instance of the complainant, Vijay Kumar, who claims to have secured Token No.05423012025023519000 for the registration of Plot No.151 on 23.01.2025 at 2:35 PM. It is alleged therein that upon presenting his documents at the Tehsil Office, the complainant met the Registry Clerk, Pradeep Kumar, who directed him to approach the Tehsildar (i.e., the petitioner). It is alleged that the petitioner observed that all the documents were in order and instructed the Registry Clerk to ensure that a ticket of Rs.10/- be affixed.

The controversy, as per the complainant, arose from the subsequent assertion by the Registry Clerk that the reference to a ticket of Rs.10/- in fact implied a demand for Rs.10,000/-, as a fee by the Tehsildar. The complainant, allegedly taken aback, queried whether the amount was a government fee, to which the Registry Clerk allegedly replied that it was the personal fee of the Tehsildar. Upon the complainant immediately confronting the Tehsildar regarding the illegal demand, it is stated that the petitioner became agitated, and claimed that there was a stay on the Khewat in question, and refused to proceed with the registration. Consequently, the token issued to the complainant was cancelled, and the sale deed was not registered.

It is further alleged that after the registration process was initially stalled on 23.01.2025, allegedly on the pretext of a purported “stay” against the relevant Khewat, but actually due to refusal of complainant to pay the demanded money, the complainant procured certified documents from the court which, according to him, revealed that there was in fact no judicial or administrative stay on the said land. Armed with this documentation, the complainant again approached the petitioner–Tehsildar on 06.02.2025 and apprised him of the

factual position. However, as per the complainant, the petitioner insisted that the stay was “his stay” and not a court-imposed restriction and further reiterated, through the Registry Clerk, that the transaction could only proceed upon payment of the earlier indicated amount.

It is further alleged that the complainant surreptitiously recorded the conversation relating to the demand of Rs.10,000/-, which was made by co-accused Pardeep Kumar for the petitioner and submitted the same to the Anti-Corruption Bureau. Acting upon this complaint, a trap was laid. The complainant was provided with 20 currency notes of Rs.500/- denomination, which were duly inventoried and their serial numbers were recorded. He proceeded to the office of the Registry Clerk, accompanied by a witness and a shadow witness. The money was handed over to the Registry Clerk, who, as per the case of the prosecution, was caught red-handed with the tainted currency notes recovered from his possession. The phenolphthalein test conducted on the spot yielded positive results, as the hand-wash turned pink, indicating contact with the marked currency. The name of the petitioner was also disclosed by the Registry Clerk as the person on whose behalf the amount was received by him.

Learned counsel for the petitioner raises the following arguments: -

- (i) That Token No. 05423012025023519000, issued for 23.01.2025, was obtained by the complainant from the office of the SDO (Civil), Guhla, and it did not pertain to him. Hence, there was no occasion for the complainant to appear before him for the execution and registration of the sale deed.
- (ii) That, as a matter of fact, the petitioner had earlier served a notice upon a builder who was illegally carving out a private colony in the

revenue estate, and that the initiation of the criminal proceedings has been perpetuated as a result of the action taken by the petitioner against the builder.

- (iii) Counsel further argues that the complainant is also stated to have visited the tehsil office on 06.02.2025 as well as on 18.02.2025, when the case was registered. The petitioner was not in the office on 18.02.2025 when the recovery was effected, as he was on election duty.
- (iv) It is also argued that the recovery of Rs.10,000/- has already been effected from Pradeep Kumar, the Registry Clerk, and that custodial interrogation of the petitioner would not be required at this stage. It is further contended that the petitioner even otherwise cannot be held answerable for any act or misconduct on the part of the Registry Clerk, in his absence. It is also stated that the Registry Clerk acts for and on behalf of all officers who discharge functions as Sub-Registrar on any particular day on a rotation basis.
- (v) Counsel further argues that the sale was purportedly being effected by Parminder Kaur, whereas the land in question had already been sold by her on 19.11.2024. As such, on the date of presentation of the documents, the vendor was no longer the owner of any share in the property in respect of which the sale deed was being sought to be executed and registered.

In response to the aforesaid contention, learned State Counsel submits that although the token bearing No. 05423012025023519000 was initially obtained from the office of the SDO (Civil), Guhla for 23.01.2025, the

same had thereafter been transferred to the office of the petitioner. It is, thus, contended that it is factually incorrect to argue that the registration of the sale deed on the said date was to be undertaken by the SDO (Civil), Guhla.

Learned State Counsel further argued that there exists an audio recording of the conversation between the complainant and the accused Pradeep Kumar, Registry Clerk, in which the accused had specifically demanded a sum of Rs.10,000/- for the Tehsildar i.e. the petitioner herein. The transcript of the said recording has also been annexed along with the reply filed by the State.

Learned State Counsel further argues that the purported report of the Patwari regarding Parminder Kaur not holding the property is subsequent in point of time. Notwithstanding this, the petitioner was duty-bound to make the necessary entry about the sale of land by Parminder Kaur on 19.11.2024 in the Revenue Record, which he failed to do. Such omission is also a dereliction of duty on the part of the petitioner.

It is further argued that even thereafter, the complainant visited the Tehsil office on multiple occasions and specifically met the Tehsildar each time. The complainant was directed by the Tehsildar to pay the demanded amount to the Registry Clerk, as conveyed. It is submitted that the petitioner himself conveyed that the sale deed would not be registered until such payment was made.

Learned State Counsel further contends that there exists an unholy nexus within the Tehsil Office, whereby illegal demands are raised by revenue officials through their subordinates under the pretext of a purported “ticket,” which in reality denotes the amount being demanded. The disclosure statement of Pradeep Kumar corroborates the audio recording submitted by the

complainant, establishing that the petitioner was acting in close nexus with the Registry Clerk to raise such demands. It is further contended that custodial interrogation of the petitioner is necessary at this stage.

No other argument has been raised by the respective parties.

I have heard the learned counsel for the respective parties and have gone through the documents and other material available on record with their able assistance.

Even though an ardent effort has been made by the counsel for the petitioner to assert that the petitioner has been falsely implicated in the present case, primarily on the ground that he had issued show cause notices to certain developers allegedly engaged in carving out illegal colonies, and that he was not the designated official responsible for undertaking the registration of the sale deed in question, however, the Court finds these contentions lacking in substance. A specific query was put to the counsel for the petitioner regarding the legal basis or authority under which the show cause notices, relied upon and appended with the petition, had been issued by the petitioner.

On a further pointed query, learned counsel for the petitioner conceded that the purported illegal colony did not fall within an urban area, and there was also no allegation or any proceedings initiated under the Punjab Village Common Land (Regulation) Act, which is the governing statute for such matters. The aforesaid aspect is significant since the concept of illegal colony flows from the Haryana Development and Regulation of Urban Areas Act and only if a colony falls in the 'urban area' and is being carved without a licence would it be illegal. Else it has to be in Municipal limits. The notices do not make any reference to the statutory provision invoked. A submission was thereafter made

that the land in question pertained to the Bhakhra Canal area. However, when questioned as to the capacity in which the petitioner, as Tehsildar, could exercise the powers of an Estate Officer in respect of land falling within the jurisdiction of the Irrigation Department/Bhakra Canal, since such powers exclusively vest with the concerned Executive Engineer, and not with the Tehsildar under the P.P. Act, counsel had no answer.

Learned counsel for the petitioner was unable to satisfactorily answer these queries or demonstrate any lawful competence or authority vested in the petitioner to issue such show cause notices in relation to the Bhakhra Canal land. This inability significantly undermines the petitioner's claim that the allegations against him are motivated or malicious.

Be that as it may, the aforesaid query(ies) were made solely to examine the veracity of the show cause notices sent by the petitioner. The same may not be germane to the present lis also for the reason that there is nothing on record to establish or suggest any relationship, nexus, or association of the complainant Vijay Kumar with the persons to whom the notices were issued. Any suggestive motive with no link or proximity is nothing more than a distant throw at trying luck.

Adverting to the next submission regarding the token in question having been originally issued from the office of the Sub-Divisional Magistrate/SDO (Civil), Guhla, it is pertinent to note that the respondent-State has clarified in its status report that the said token was transferred to the petitioner at 3:23 PM on the same day i.e. 23.01.2025. It is also undisputed that the sale deed was not executed or registered on that date. The complainant has made a clear and specific assertive allegation affirming that he met the Tehsildar, namely

the petitioner himself, at the Tehsil Office. This fact finds further corroboration in his statement recorded by the Judicial Magistrate of the First Class, wherein the complainant has explicitly named the petitioner as the individual with whom he held the meeting at the Tehsil Office.

It has further been specifically stated by the complainant in his aforesaid statement before the Judicial Magistrate of the First Class that the Tehsildar himself directed that a ticket of Rs.10/- should be affixed from the Registry Clerk despite agreeing that every document was in order. Subsequently, the Registry Clerk conveyed to the complainant that the so-called ticket of Rs.10/- actually meant a demand of Rs.10,000/-. On the aforesaid clarification having been issued by the Registry Clerk, the complainant claimed to have met the Tehsildar once again and informed him about the demand raised by the Registry Clerk, whereupon the Tehsildar corroborated and reiterated the said demand and refused to register the sale deed until the amount was handed over to the Registry Clerk.

The benefit of doubt sought to be availed by the petitioner in his defence by referring to the token not having been issued in relation to him stands demolished by the specific allegation levelled by the complainant, who not only named the petitioner as a person with whom he had met in the Tehsil Office on multiple occasions but also conveyed to him the demand raised by the Registry Clerk. Despite the information about demand of Rs. 10,000/- by the Registry Clerk having been conveyed by the complainant, the steps required by law were not taken by him and instead the complainant was asked to leave the office with a specific instruction that until the demanded amount was paid to the Registry Clerk, the sale deed would not be registered.

Further, the complainant has specifically stated that, as reference was made to a stay granted by the Court, he collected all the documents and again met the Tehsildar on 06.02.2025, showing all the documents. Even on that occasion, the allegation against the petitioner is that he informed the complainant that it was 'his stay' and that it would be removed only upon deposit of Rs.10,000/-. Thus, the identity of the petitioner is specifically claimed to be established in the repeated allegations levelled by the complainant in his statement recorded not only by the Investigating Agency but also by the Judicial Magistrate First Class.

Further, these allegations are also fortified by the audio recording submitted by the complainant as well as the disclosure statement of the co-accused Pradeep Kumar, Registry Clerk, from whom the recovery of the demanded amount was effected. The co-accused has specifically stated that the collection of the said amount was carried out under the directions issued by the Tehsildar i.e. the petitioner herein.

White collar crimes are often layered and are executed through a long chain. Such offences cannot be equated to the traditional offences relating to body or property. Crimes of corruption involves multiple beneficiaries who share the spoils and yet provide a protective shield to the other. The petitioner disowning all misdeeds of his subordinate or feigning complete ignorance of misconduct, yet, while claiming that petitioner is a competent and upright officer? Contradictions in best play! Surprisingly, a silence is maintained even when complainant reports demand for bribe. Specific allegations have been levelled expressly against the petitioner and there is no ulterior motive for such complaint. A victim cannot be discredited merely because the accused so desires.

In matters of corruption, it is usually noticed that there is a long-drawn chain of people involved at different levels. Merely because the petitioner was not directly collecting the money himself and had devised a particular mechanism for collection of such amounts before the sale deed could be executed, cannot be the basis at this juncture to completely rule out that he had no role of any nature whatsoever. In any case, if the petitioner wanted to steer clear of the controversy, appropriate steps were required to be taken by him at the first juncture when the complainant informed him on 23.01.2025 itself that the Registry Clerk had demanded a sum of Rs.10,000/- in his name. Instead of taking the action expected of a Magistrate-cum-Sub-Registrar, the complainant himself is stated to have been forced out of the office. The complainant approached the office of the Tehsildar on multiple occasions again for lawful registration of the sale deed. This fact is not contested and highlights the complainant's persistent efforts to seek justice and expose the alleged corrupt practice. The petitioner's failure to act appropriately despite being repeatedly confronted with the complaint further underscores a pattern of neglect or complicity that warrants rigorous scrutiny.

Even though, at this stage, an attempt has been made by the counsel for the petitioner to contend that Parminder Kaur, i.e., the vendor of the land in question, did not have any subsisting land, having already sold the same on 19.11.2024 in favour of one Sarabjit Singh, it is apparent that this was not the reason for declining the registration of the sale deed. Moreover, the report relied upon by the counsel for the petitioner is dated 05.03.2025, whereas the FIR in question had already been registered on 18.02.2025. Hence, the defence as aforesaid is an afterthought.

This Court is of the considered view that the role of the petitioner cannot be regarded as free from suspicion. On the contrary, his proactive involvement is apparent from the conduct exhibited in furtherance of the illegal demands made by the Registry Clerk. The petitioner cannot therefore claim to be innocent or a mere bystander, as he seeks to portray himself.

Prima facie, the facts on record necessitate the custodial interrogation of the petitioner to uncover the truth and to ascertain the precise nature and extent of his involvement in the alleged wrongdoing. Such interrogation is also indispensable for a comprehensive assessment of the assets acquired by the petitioner, with particular reference to determining whether such assets are commensurate with his known sources of income or otherwise. This process is vital to ensure a full and fair investigation into the charges leveled against the petitioner.

Accordingly, finding no merits in the petition at this stage, the same is dismissed.

JUNE 04, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No