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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29142-2018 (O&M)
Reserved on: 18.05.2026
Date of Decision: 29.05.2026

Jaswant Singh

...Petitioner(s)

Vs.

State of Punjab and another

...Respondent(s)

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present: Mr. Hardeep Singh Saini, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S. Shekhawat, J.

1. The petitioner has filed the present petition under Section 482 Cr.P.C., with a prayer to quash the FIR no.240 dated 03.11.2017, registered under Sections 10, 13(2) of the Prevention of Corruption Act, 1988 and under Section 409, 120-B IPC, at Police Station Zira, District Ferozepur, Punjab (Annexure P-1) and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, Kulwinder Singh, Sarpanch, co-accused of village Behak Gujran, moved an application to Block Development and Panchayat Officer (BDPO), Zira that Rajwant Singh, Panchayat Secretary of their village had committed a fraud by forging his signatures and had also transferred an amount of Rs.4 lacs in the account of Modern Bricks Industries, Ratol Bet and further committed fraud of

Rs.14,03,000/- on 19.01.2016 and Rs.3,45,000/- on 01.03.2016, in connivance with the owner of Punjab Bricks Industries, Behak Gujran. Even it was alleged that an amount of Rs.7,50,000/- of auction money of *Shamlat* land was given to the petitioner but he did not deposit the same in the bank account of Panchayat. Inquiry was conducted and it was found that Rajwant Singh, Panchayat Secretary had withdrawn an amount of Rs.33,23,000/- from the account of Gram Panchayat Behak Gujran without a resolution and Rs.3 lacs had been withdrawn with resolution, but without quorum. Kulwinder Singh, Sarpanch of Gram Panchayat village Behak Gujran had handed over a sum of Rs.7,50,000/- of auction money of Panchayat land for the year 2016-2017 to the petitioner for depositing the same in the bank account of Gram Panchayat of village Behak Gujran, however, the petitioner misappropriated the said amount. Learned counsel for the petitioner vehemently argued that Kulwinder Singh, co-accused is the Sarpanch of village Behak Gujran. Behak Gujran was a highly populated village and in the year 2008, four Gram Panchayats were carved out of the said village i.e. Gram Panchayat villages Behak Gujran, Gram Panchayat village Basti Gurdeep Singh Wali, Gram Panchayat village Basti Bute Wala and Gram Panchayat village Basti Didar Singh. However, the *Shamlat* land was not partitioned and Kulwinder Singh, Sarpanch used to auction the land and thereafter, he used to give cheques to other Gram Panchayats as per their share. Thereafter, the petitioner was elected as Sarpanch of village Basti Gurdeep Singh and remained the Sarpanch from 2008 to 2013. Still further, the amount of Rs.49,35,632/- was withdrawn by Rajwant Singh, Panchayat Secretary from the bank account of Gram Panchayat village Behak Gujran in collusion with Kulwinder Singh and the petitioner was not Member of that Panchayat at the

relevant time. Even BDPO has issued notice to them, to deposit the amount of Rs.56,85,632/- in the account of Gram Panchayat, Behak Gujran within a period of 15 days. Since, they did not deposit the amount in question, notice under Section 216 of Punjab Panchayati Raj Act, 1994, was issued to them and recovery of Rs.56,85,632/- was ordered from Kulwinder Singh, Sarpanch and Rajwant Singh, Panchayat Secretary, both the co-accused. Still further, as per the resolution of the Gram Panchayat, the entire amount was with Kulwinder Singh and he was responsible for keeping the said amount and he has been falsely involved due to political rivalry in the village. Even the amount was withdrawn by Kulwinder Singh and Rajwant Singh, Panchayat Secretary from the bank and the petitioner has no concern with the withdrawal of the amount.

3. On the other hand, learned State counsel has filed a reply by way of affidavit of DSP, Zira, District Ferozepur and the same was taken on record. Learned State counsel submits that the complainant had sent one letter dated 13.09.2017 to District Development and Panchayat Officer, Ferozepur, with the allegations that Rajwant Singh, Panchayat Secretary, Jaswant Singh, Ex. Sarpanch, Gram Panchayat, Basti Gurdip Singh and the petitioner had committed a fraud. On the basis of the application, an inquiry was conducted by the Department and during inquiry it was found that huge embezzlements have been committed in the funds of the Gram Panchayat and the accused in collusion with each other had committed the crime. Even Rajwant Singh, Panchayat Secretary had committed embezzlement of lakhs of rupees even by fabricating signatures of Sarpanches. Still further on 13.11.2015 Rajwant Singh, Panchayat Secretary in connivance with owner of Modern Bricks Industries, Ratole Bet had played a fraud of Rs.4 lacs and similarly on 19.01.2016, he in

connivance with owner of Modern Bricks Industries, Ratole Bet had committed embezzlement of Rs.14,03,000/- and Rs.3,45,000/- on 19.01.2016 and 01.03.2016, respectively. In the year of 2016-17, Jaswant Singh had not deposited the amount of Rs.7,50,000/- i.e. auction price of *Shamlat* property of Gram Panchayat Behak Gurjan and had embezzled said amount. During enquiry it was also found that Rajbir Singh and Rajwant Singh in connivance with each other had fabricated bogus bills of bricks and embezzled the amount of Rs.17,11,200/-. During inquiry it was found that auction of *Shamlat* property was held on 16.05.2016 and said land was given on lease for Rs.6,56,600/- and on 20.05.2016 four plots were given on lease on auction for Rs.1,37,000/- and said total amount of Rs.7,93,600/- was received by Jaswant Singh, Commission Agent (Ex. Sarpanch), who is husband of Gurwinder Kaur Sarpanch of Basti Gurdip Singh, but he had not deposited the said amount in the account of Gram Panchayat. During inquiry as per statement of Mohinder Mohan, Panchayat Secretary an amount of Rs.33,23,000/- was withdrawn without passing any resolution whereas an amount of Rs.3,00,000/- was withdrawn by passing false resolution. During inquiry it was further found that Kulwinder Singh, Sarpanch had not done his duty honestly and he was also connived with other accused.

4. Learned State counsel further submitted that during the course of investigation, the statements of Sukhwinder Singh and Hardial Singh under Section 161 Cr.P.C. were recorded, wherein they specifically mentioned that the auction of *Shamlat* land of village Behak Gujran was held on 13.05.2016 at Govt. High School Behak Gujran and same was given in auction for Rs.6,56,600/- and said amount was handed over to Jaswant Singh - petitioner, who is husband of Gurwinder Kaur, Sarpanch village Basti Gurdip Singh Wali,

for depositing the same in the bank account, as petitioner is well educated person in all three Panchayats. After that four plots of Panchayat were given in auction for Rs.1,37,000/- on 20.05.2016 and said amount was again handed over to petitioner by the Sarpanch. But petitioner had not deposited the said amount in the bank account.

5. Learned State counsel further submitted that challan has already been presented against the petitioner on 18.12.2017 and the charge has also been ordered to be framed against him on 23.01.2019. Consequently, the petitioner has raised disputed questions of facts before this Court, therefore, instant petition deserves to be dismissed by this Court.

6. I have heard the learned counsel for the parties and have gone through the record carefully with their able assistance.

7. In the present case, the petitioner has submitted that the entire amount was taken away by Kulwinder Singh, Sarpanch and Rajwant Singh, Panchayat Secretary, who were supposed to deposit the said amount in the account of Gram Panchayat and the petitioner had not collected any amounts from them. Even notice under the provisions of Punjab Panchayati Raj Act was issued to both of them and the petitioner had no concern with the transactions mentioned in the FIR in the present case. Even, the entire amount of auction of *Shamlat* land was with Kulwinder Singh, who was responsible for depositing the same in the bank. However, during the course of inquiry conducted by the Panchayat as well as police investigation, it was found that the present petitioner had remained the Sarpanch of Gram Panchayat, Basti Pardeep Singh Wali and thereafter, his wife remained the Sarpanch. Even, during the course of investigation, the statements of Sukhwinder Singh and Hardial Singh were

recorded under Section 161 Cr.P.C., wherein they specifically stated that the auction of *Shamlat* land of village Behak Gujran was held on 13.05.2016 at Government High School and the same was given in auction for as sum of Rs.6,56,600/- and the said amount was handed over to petitioner, who was the husband of Gurwinder Kaur, Sarpanch, village Basti Gurdeep Singh Wali, for depositing the same in the bank account. Even, the petitioner was well educated person out of all Sarpanches and the petitioner had not deposited the said amount in the bank account.

8. Thus, from the rival submissions made by learned counsel for both the sides, it is apparent that both the sides have raised several disputed questions of fact, which can never be adjudicated by this Court, while exercising the powers under Section 482 Cr.P.C. In fact, at this stage, in the considered opinion of this Court, the Investigating Agency had collected sufficient evidence against the present petitioner and even on the strength of such material, the trial Court also formed a *prima facie* opinion and ordered framing of charge against the petitioner, during the course of trial. Even both the sides have raised their respective factual submissions and both the parties are required to lead their respective evidence, in support of their claims, which is possible only during the course of trial.

8. Even, the Hon'ble Supreme Court has held in the matter of ***Central Bureau of Investigation Vs. Aryan Singh etc. AIR 2023 (Supreme Court) 1987***, as follows:-

“4. Having gone through the impugned common judgment and order passed by the High Court quashing the criminal proceedings and discharging the accused, we are of the opinion that the High Court has exceeded in its jurisdiction

in quashing the entire criminal proceedings in exercise of the limited powers under Section 482 Cr.P.C., 1973 and/or in exercise of the powers under Article 226 of the Constitution of India.

4.1 From the impugned common judgment and order passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned Trial Court on conclusion of trial. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr.P.C., 1973 the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution / investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution / investigating agency. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused, at this stage. At the stage of discharge and/or while exercising the powers under Section 482 Cr.P.C., 1973 the Court has a very limited jurisdiction and is required to consider "whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not".

4.2 One another reason pointed by the High Court is that the initiation of the criminal proceedings / proceedings is malicious. At this stage, it is required to be noted that the investigation was handed over to the CBI pursuant to the

directions issued by the High Court. That thereafter, on conclusion of the investigation, the accused persons have been charge sheeted. Therefore, the High Court has erred in observing at this stage that the initiation of the criminal proceedings/proceedings is malicious Whether the criminal proceedings was/were malicious or not, is not required to be considered at this stage. The same is required to be considered at the conclusion of the trial. In any case, at this stage, what is required to be considered is a prima facie case and the material collected during the course of the investigation, which warranted the accused to be tried”.

9. In view of the above discussion, there is no merit in the present petition and the same is ordered to be dismissed.
10. Pending application(s), if any, stand(s), disposed of, accordingly.

29.05.2026
sunil

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No
Whether full judgment is pronounced
or operative part thereof : Full
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