

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.26 18:05
I attest to the accuracy and
authenticity of this document

CRM No. M-38870 of 2013 (O/M)
Date of decision : 24.2.2015

Des Raj

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gurnam Singh, Advocate, for the petitioner.

Mr. Nikhil K. Chopra, Deputy A.G., Punjab.

Mr. Vipin Mahajan, Advocate, for respondent No. 4.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

--

--

KULDIP SINGH, J. (ORAL)

This petition has been filed for grant of anticipatory bail in FIR No. 30 dated 12.6.2013, registered under Sections 409/420/418/417/465/467/468/471 IPC at Police Station Narot Jaimal Singh, Tehsil and District Pathankot.

Suffice to say that the petitioner is the Ex-Sarpanch of the village. The allegations against the petitioner are that he embezzled the panchayat funds, non paying remuneration to Satpal sweeper, embezzling amount of construction of cremation ground etc. and that with one of such embezzlement, he purchased one motorcycle.

During the course of proceedings, the report of inquiry being got conducted from the Sub Divisional Officer, Panchayati Raj Public Works, Sub Division, Pathankot, by the District Development and Panchayat Officer, Pathankot, was called for by this Court. The said authority has reported that there is recoverable amount of Rs. 3,73,575/- from the petitioner.

I have heard the learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the petitioner has argued that the said motorcycle was purchased by the petitioner with the loan of Rs. 31,000/-, obtained from the bank and certificate of the said bank has been annexed with the petition. It has been further argued that the complainant himself is facing three FIRs, copies of which have been placed on file. It is further stated that no embezzlement was made and the petitioner is being harassed.

The contention of the learned counsel for the petitioner has been controverted by the learned State counsel, who has argued that infact the petitioner is harassing the complainant. After the registration of the present FIR, another FIR has been got registered against the present complainant. Reference has also been made to the order dated 7.10.2013 (Annexure-P-5), passed by the learned Additional Sessions Judge, Pathankot, wherein it was observed that the petitioner had filed a forged affidavit in the Court.

A perusal of the order dated 22.7.2013 (Annexure-P-4), passed by the learned Additional Sessions Judge, Pathankot, shows that the petitioner was granted interim bail. In the Court, he had filed an affidavit of one sweeper to show that no embezzlement was made. The learned Additional Sessions Judge, Pathankot, made the following observations :-

“ Subsequently, as per the request made by investigating officer, the affidavit purported to be executed by Satpal sweeper, as relied upon by the applicant-accused, was supplied to him for comparison of thumb impression from Forensic Science Laboratory. On 05.10.2013, the report of the Finger Print Bureau was furnished with the observation that the thumb impressions of Satpal sweeper over the affidavit were not matching with his standard thumb impressions.”

It goes to show that even before the learned Additional Sessions Judge, Pathankot, the petitioner had filed a forged affidavit of one sweeper. The inquiry report has already been received. There are allegations of embezzlement of funds by forging the record.

In these circumstances, I am of the view that the custodial interrogation of the petitioner is necessary. Hence, the present petition for grant of anticipatory bail is dismissed.

(KULDIP SINGH)
JUDGE

24.2.2015
sjks