

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-42031 of 2015

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Date of decision:21.12.2015

Baljinder Singh

...Petitioner

v.

State of Punjab

...Respondent

....

(2) Criminal Misc. No.M-42066 of 2015

.....

Baljinder Kaur

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vivek Sharma Vashisht, Advocate for the petitioners.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr. J.S. Mundi, Advocate for the complainant.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions
filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR
No.188 dated 30.9.2015 registered for the offence under Section 409 IPC at
Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

Notice of motion has been issued in these cases.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. J.S. Mundi, learned Advocate has appeared for the complainant and contested these petitions.

I have heard learned counsel for the petitioners as well as learned Deputy Advocate General, Punjab appearing for the respondent-State and and Mr. J.S. Mundi, learned Advocate appearing for the complainant and have gone through the record.

From the record, I find that the FIR has been registered on the statement of Panch Jagar Singh and other Panches, in which the allegations have been levelled against Baljinder Singh-petitioner, who is Panchayat Secretary and Baljinder Kaur-petitioner, who is Sarpanch of the Village. The allegations are that Harnek Singh and Ajaib Singh are brothers-in-law of Baljinder Kaur and Harnek Singh, Ajaib Singh, Angrej Singh and Pal Singh are shown in the muster-roll register of the MNREGA Scheme as work done by the Panchayat for the same period and have embezzled the amount etc. It is also the case in the FIR that the Panchayat Secretary and the Sarpanch etc. are to supervise both the schemes. The details of the work done by these persons are of specific dates and they had taken the money for the same dates from two sides for doing the same labour work etc. in the MNREGA and the panchayat etc. which amounts to embezzlement.

Keeping in view the serious allegations against the present petitioners and their names in the FIR that they have taken active role in the

commission of the offence and the Panchayat Secretary has prepared the muster-roll, in no way, it can be held that the Panchayat Secretary is not involved in the matter or the fact that some of the money has been deposited after the inquiry etc. is also no ground to grant the benefit of anticipatory bail.

Therefore, keeping in view the nature and gravity of the offence and the fact that the petitioners are required for custodial interrogation, I do not find it a fit case where the present petitioners are entitled to the benefit of anticipatory bail.

Therefore, finding no merit in these petitions, the same are dismissed.

December 21, 2015.

(Inderjit Singh)
Judge

hsp