

IN THE HIGH COURT OF PUNJAB & HARYANA HIGH COURT
AT CHANDIGARH

Civil Writ Petition No.19859 of 2013 (O&M)

Date of Decision: 25.03.2015

Teja Singh

..... Petitioner

Vs.

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. M.L.Saggar, Senior Advocate assisted by
Mr. Sunny Saggar, Advocate for the petitioner.

Mr. V. Ramswaroop, Addl. A.G., Punjab
for respondent Nos.1 to 4.

Mr. Kanwaljit Singh Ahluwalia, Senior Advocate assisted by
Mr. Jai Surya Jain, Advocate for respondent No.5.

Mr. Harman Singh Sethi, Advocate for respondent Nos.6 and 7.

Mr. Pawan Kumar, Senior Advocate assisted by
Mr. Rozer Kumar Aggarwal, Advocate for respondent No.8.

JASWANT SINGH, J. (Oral)

CM No.3501 of 2015

Prayer is for that no case be registered against applicant/respondent No.8-Sh. Jagwinder Singh, Ex-Panchayat Secretary, Village Bhojo Majri on the ground that petitioner himself restricted his claim for registration of a criminal case against Sh. Pawan Kumar, Ex-Sarpanch/respondent No.5 as per order dated 03.03.2015 and further praying for staying the operation of order dated 12.03.2015 (**Annexure R-8/6**) qua respondent No.8 and further seeking exemption from filing the certified copies of Annexures.

Learned Counsel for the applicant-respondent No.8 seeks permission to withdraw the aforementioned application as not pressed.

Dismissed as withdrawn as not pressed.

CWP No.19859 of 2013

An Ex-Panch of Village Bhojo Majri, Tehsil Nabha, District Patiala has filed the present writ petition seeking quashing of the communication dated 07.01.2013 (**Annexure P-9**), whereby the Deputy Director Panchayat sought a fresh report from the Addl. Deputy Commissioner, Patiala in respect of misappropriation of grants of Panchayat funds against Sh. Jagwinderjit Singh Sandhu, Ex BDPO/respondent No.6, Sh. Jagwinder Singh, Panchayat Secretary/respondent No.8, Sh. Balbir Kumar, Jr. Engineer, Block Nabha/respondent No.7 and Sh. Pawan Kumar, Ex-Sarpanch/respondent No.5 after a earlier report dated 02.02.2009 (**Annexure P-13**) by the Executive Engineer, Panchayat Raj Public Work Division, Bathinda in respect of the allegations had already been submitted by the Executive Engineer indicating them; further challenge is to the report dated 12.04.2013 (**Annexure P-10**) forwarded vide letter dated 18.04.2013, whereby on the basis of the fresh enquiry conducted by XEN Panchayati Raj, Patiala, action had been recommended only against Pawan Kumar/respondent No.5 and Jagwinder Singh/respondent No.8; further prayer is for registration of a criminal case against respondent Nos.5 to 8 for embezzling the funds of Gram Panchayat on the basis of the 1st report dated 02.02.2009 (**P-13**).

Upon notices, all the respondents entered appearance through their respective Counsel and filed their respective replies.

After hearing learned Counsel for the parties, keeping in view the nature of the issue raised in this petition regarding embezzling public funds, it is deemed necessary to direct the official respondents to forward both the reports i.e.

02.02.2009 (**P-13**) as also the report dated 12.04.2013 (**P-10**) to the police authorities concerned for proper investigation regarding embezzlement of fund based on the findings of the said reports and thereafter undertaking proper action in accordance with law. Needless to say that while conducting the investigation, the private respondents shall be summoned in accordance with law, and if required for proper and effective investigations, would be free to arrest them.

Ordered accordingly.

It is clarified that the interim order dated 09.10.2012 (**Annexure R-8/1**), passed by this Court in CWP No.8013 of 2011, filed by Balbir Kumar/respondent No.7 only relates regarding taking of any punitive departmental action without recourse to any regular enquiry. In no manner, restrains or impedes the initiation of/or continuation of criminal investigation and proceedings, if any, offence is made out.

Disposed of in the above terms.

March 25, 2015

Gagan

**(JASWANT SINGH)
JUDGE**