

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16329 of 2017
Date of Decision: 02 June, 2017

Satpal Singh ...Petitioner

Versus

State of Punjab ..Respondent

CRM-M-17005 of 2017

Manjit Kaur ...Petitioner

Versus

State of Punjab ..Respondent

CRM-M-17011 of 2017

Bhupinder Singh ...Petitioner

Versus

State of Punjab ..Respondent

CRM-M-16857 of 2017

Amanpreet Singh @ Amandeep Singh ...Petitioner

Versus

State of Punjab ..Respondent

CRM-M-18480 of 2017

Sawinder Singh

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Balbir Singh Jaswal, Advocate
for the petitioner (in CRM-M-16329 of 2017).

Mr. Nirmal Singh, Advocate
for the petitioner (CRM-M-17005 of 2017)

Mr. Kuljit Singh Bal, Advocate
for the petitioner (CRM-M-16857 of 2017)

Mr. Karanjit Singh, Advocate
for the petitioner (CRM-M-17011 of 2017).

Mr. Vaibhav Narang, Advocate
for the petitioner (In CRM-M-18480 of 2017)

Mr. Gurvir Sidhu, AAG, Punjab.

FATEH DEEP SINGH, J.

Since all these above detailed anticipatory bail applications of petitioners Satpal Singh, Bhupinder Singh, Manjit Kaur, Amanpreet Singh @ Amandeep Singh under Section 438 Cr.P.C and regular bail application of petitioner Sawinder Singh under Section 439 Cr.P.C having arisen from the same very FIR are being taken up together for the sake of brevity.

The present case was got registered upon letter sent by Block Development and Panchayat Officer, Attari after the matter was duly enquired and considered by higher authorities of Rural Development and Panchayat Department, Punjab, wherein, it transpired that the Government

had released grants to the Gram Panchayats of Village Basarke, Kotli Nasir Khan and Dauke through the office of District Development and Panchayat Officer, Amritsar in all amounting Rs,50,00000/- for the construction of latrines under RDOS-14 scheme and it transpired that though the Gram Panchayats have withdrawn the amount for facilitating construction but no construction ever took place leading to registration of the present case. The petitioner Amanpreet Singh @ Amandeep Singh happens to be Sarpanch of Village Kotli Nasir Khan for which village petitioner Bhupinder Singh was Panchayat Secretary and petitioner Satpal Singh is a present Panchayat Secretary, whereas petitioner Manjit Kaur happens to be Sarpanch of Village Dauke and petitioner Swinder Singh happens to be Sarpanch of Village Basarke, latter having been arrested on 29.4.2017. It was further revealed that all these grants were duly debited to the contractors and which firms were short listed and detailed to be as M/s Baba Deep Singh Building Material Co. and Bhola bricks etc. and which firms were related in close proximity of having relations with petitioner Bhupinder Singh.

Learned counsel for the petitioners in anticipatory bail applications have submitted that amount in question was withdrawn but due to enforcement of Code of Conduct the same was deposited back as could not be utilized and, thus, no case of embezzlement is made out and it is further contended that the petitioner Sawinder Singh is in custody since 29.4.2017 and there is no evidence to connect him with the commission of offence.

Learned State counsel opposed the grant of bail to the petitioners on the grounds that huge fraud has come about in the Panchayat

Department regarding defalcation of money meant for social upliftment and development purpose and it was after registration of FIR the amount so embezzled have been partly deposited back rather is in itself suggestive of the element of cheating and misappropriation by the concerned officers and that if allowed bail the petitioners would certainly influence the investigations and ultimately trial.

Appreciating the submissions, it is by no means put to question by the petitioner's side that the grants were got released and were withdrawn by respective agencies and paid to the executors of these projects and it was only after registration of FIR the same has been deposited back. It is duly accepted that petitioner Amanpreet Singh @ Amandeep Singh is a present Sarpanch of Village Kotli Nasir Khan whose Panchayat Secretary earlier was petitioner Bhupinder Singh, whereas petitioner Manjit Kaur is present Sarpanch of Village Dauke and petitioner Sawinder Singh is Sarpanch of Village Baserke and, thus, were under bounden duty to ensure that the amounts were put to proper use after adopting due process and procedure prescribed for such scheme.

Learned counsel for the petitioners could not show to this Court any advertisement/notice inviting tenders and it was much after the enquiry by the DDPO, Amritsar and registration of FIR the amount in question has been deposited are matters of great significance. There has been rampant defalcation of Panchayat's amount which has remained away from public gaze. Keeping in view the enormity of offence, seriousness of allegations and the apprehension of the State that if allowed bail the petitioners who are either officers of the Panchayat Department or Sarpanchs of area would certainly influence the investigations which is

apparent from non-application of PCA to the case as all accused are Public Servants and would also scuttle the fair trial impels this Court to dismiss the present applications for anticipatory as well as regular bail of the petitioners.

Dismissed.

June 02, 2017

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(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No