

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-35576 of 2017 (O&M)
Date of Decision: September 27, 2017.**

Jatinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 89 dated 11.08.2017 registered for the offence punishable under Section 409 of Indian Penal Code, at Police Station Sadar Batala, Police District Batala.

Heard.

Notice of motion.

On asking of the court, Ms. Simranjeet Kaur, AAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

The allegation the petitioner is that he had misappropriated the funds of the various projects in village during the period he remained Sarpanch from June 2013 to 2016. It is also alleged that he had used

inferior quality material in construction work. The petitioner was *Sarpanch* of the village, who has since been suspended. The projects are carried out under the supervision of *Panchayat* Department and after completion of projects, inspection is carried out. On query, learned State counsel submits that Investigating Officer has not obtained report from the FSL or any other expert regarding the material used in the projects.

Learned counsel for the petitioner submits that petitioner has been made a target due to political vendetta after the change of Government in the State. All the works carried out during tenure of petitioner were duly inspected and cleared by the concerned department. If there is any negligence on the part of petitioner, the same is also on the part of agency which carried the inspection and gave report that projects have been duly completed. However, police has not made any of them accused in this case for the reasons best known to the investigating officer.

The petitioner was arrested in this case on 11.08.2017. The allegation against him are of misappropriation of funds given to the *panchayat* for various projects. The entire allegations against him are based on documentary evidence.

Keeping in view the above facts but without expressing any opinion on merits of the case and in view of the fact that conclusion of trial will take considerable long time, the present petition is allowed. Petitioner Jatinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

September 27, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***