

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

(i) CRM No.M-18782 of 2018 (O&M)

Resham Singh
...Petitioner

VERSUS

State of Punjab
...Respondent

(ii) CRM No.M-20760 of 2018 (O&M)

Mukhwinder Singh
...Petitioner

VERSUS

State of Punjab
...Respondent

(iii) CRM No.M-23615 of 2018 (O&M)

Gurinder Singh
...Petitioner

VERSUS

State of Punjab
...Respondent

(iv) CRM No.M-43141 of 2018 (O&M)

Jatinder Singh Dhillon
...Petitioner

VERSUS

State of Punjab
...Respondent

Date of Decision: November 29, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gautam Dutt, Advocate
for the petitioner (in CRM No.M-18782 of 2018).

Mr.Ashish Gupta, Advocate
for the petitioner (in CRM No.M-20760 of 2018).

Mr.G.S.Dhillon, Advocate
for the petitioner (in CRM No.M-23615 of 2018).

Mr.Kanwaljit Singh, Senior Advocate with
Ms.Payal, Advocate
for the petitioner (in CRM No.M-43141 of 2018).

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

All the above-mentioned cases are taken up together as these have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.41 dated 27.02.2018 under Sections 406, 409, 420, 120-B IPC (Sections 13(1)(d) and Section 13(2) of the Prevention of Corruption Act added later on), registered at Police Station City Kharar, District SAS Nagar, Mohali.

Notice of motion was issued. Learned State counsel appeared and contested the petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been got registered by DDPO, SAS Nagar, Mohali. It is stated in the FIR that in the preliminary report dated 22.11.2017, it has been found that embezzlement has been committed by responsible employees/officers and contractors, for which, they should be booked. All the present petitioners are named in the

FIR. As per the allegations, Jatinder Singh Dhillon was posted as BDPO

from 24.05.2016 to 14.08.2017 and during this tenure, a sum of ₹1,92,38,809/- was encashed from FDRs and it was transferred in the accounts of Panchayat Samiti and same has been misappropriated. There are allegations that no demand for the said grant was raised by the Gram Panchayats nor there was any demand of the work to be done. Even, the Panchayat Samiti has not passed any Resolution in this regard and there is no record with regard to expenditure of said grant.

The perusal of the record in all these cases shows that vouchers have been signed by present petitioner Jatinder Singh Dhillon. Petitioner Mukhwinder Singh, contractor stated that he supplied the articles but there is no document to show that as to who ordered for articles and where those articles were delivered. There is no such receipt regarding the articles. Otherwise also, the contractor is not to sell the articles like cement or anything. These are to be purchased from the market. There is no tender nor any quotation asking for the articles. The amount is said to have been deposited directly in the account of the contractor but no work has been done by the contractor nor there is any estimate nor there was any demand.

Qua Resham Singh, though, learned counsel for the petitioner argued that no Resolution has been passed by him and he has no concern with the matter in question, but perusal of the record shows that some Resolutions have been shown to be passed by Resham Singh and he being Chairman of the Panchayat Samiti, cannot escape the liability. He has fully connived with other officers, contractors etc.

The allegation against Gurinder Singh is that he was Sarpanch of Village Majat and huge amount totaling to ₹43,00,000/- has been misappropriated. The amount was deposited through RTGS in the account

of Kauda Cement Store etc. and it is stated that this cement store was owned by close relative of the Panchayat Secretary. No record of expenditure etc. is available. There is not even any estimate.

As per prosecution version, huge amount of public funds has been embezzled by the petitioners in connivance with each other, which has not been explained.

Keeping in view the facts and circumstances of the case, in view of serious allegations and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I do not find it a fit case, where the petitioners are entitled to benefit of anticipatory bail. They are required for custodial interrogation. Even, Jatinder Singh Dhillon has not joined investigation in compliance of the order passed by this Court.

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

However, nothing stated above, shall constitute my opinion on merits of the case.

November 29, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No