

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22509 of 2018
Date of Decision: 30.05.2018

Malwinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Ranghi, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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.02 dated 20.02.2018 registered for offences punishable under Sections 409/420/465/467/471/120-B of Indian Penal Code (for short, "IPC") and 13 (1) (D) read with Section 13 (2) of Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, Phase-1, Punjab at Mohali, District SAS Nagar, Mohali.

Heard.

Learned counsel for petitioner seeks bail for petitioner on the ground of parity with co-accused, namely, Jatinder Singh Dhillon, BDPO, who has been allowed regular bail vide order dated 28.05.2018 passed in CRM-M-21941-2018.

Learned State counsel submits that allegations against the petitioner are similar as against co-accused Jatinder Singh Dhillon. He has facilitated the embezzlement of more than ₹6 crores of *gram panchayat*

money.

As per case of prosecution, land of *gram panchayat* of village Jheorheri was acquired for expansion of Airport, Chandigarh and compensation of more than ₹54 crores for acquired land was released in favour of *Gram Panchayat*, which vide its resolution has decided to purchase land for agricultural/commercial purposes with this amount of compensation. As per allegation of prosecution, the land (agricultural as well as commercial) was purchased in the name of *gram panchayat* for a particular value but higher land price was shown in the record of Department, thereby committing embezzlement of more than ₹6 crores.

Allegation against the petitioner is that he had also signed the cheques for release of amount for purchase of land in the name of *gram panchayat*. Co-accused Jatinder Singh Dhillon, BDPO, against whom similar allegations were levelled, has already been allowed bail. The petitioner was posted as BDPO, Kharar prior to co-accused Jatinder Singh Dhillon.

Applying the principle of parity and keeping in view the fact that conclusion of trial Court will take considerably long time, the present petition is allowed. Petitioner-Malwinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/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 previous permission of the Court.

May 30, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No