

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 2621 of 2018 (O&M)

Date of decision : 12.3.2018

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Gian Singh Sarpanch

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. B.S. Jaswal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for regular bail has been filed by the petitioner – Gian Singh Sarpanch, an accused in FIR No. 78 dated 23.11.2017 for offences under Sections 420, 409, 467, 468, 471 IPC, registered at Police Station Khilchiain, District Amritsar.

Briefly stated, facts of the case, as per prosecution story are that petitioner Gian Singh while working as Sarpanch, Gram Panchayat, Jharu Nangal, had withdrawn a sum of Rs.35,000/- from the account of Gram Panchayat, Jharu Nangal, in the form of two cheques by forging signatures of Panchayat Secretary. When

confronted with such situation, petitioner could not give any satisfactory reply, therefore, District Development and Panchayat Officer, Amritsar had submitted an application to Senior Superintendent of Police, Amritsar, in that regard, which formed basis for registration of the formal FIR.

The accused was accordingly arrested in this case on 25.11.2017. He had moved an application for grant of regular bail, which was dismissed by Additional Sessions Judge, Amritsar, vide order dated 12.1.2018. Therefore, he has approached this Court for grant of similar relief, which request is being opposed by the State counsel.

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned counsel for the petitioner has argued that the petitioner, in order to show his bona fides, has deposited a sum of Rs.35,000/- without prejudice to his rights in the criminal trial. He has placed on file a copy of the receipt for deposit of Rs.35,000/-, the original of which is stated to have been handed over to the Investigating officer.

The petitioner is behind the bars for more than three months. His guilt shall be determined during the trial. Though it is stated that challan has been filed and charge framed against the accused and now the case is fixed for 19.3.2018 for prosecution evidence, however, the trial is at preliminary stage and its conclusion is likely to take some time. Therefore, I find it proper and appropriate to grant the benefit of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is directed to be released on bail on furnishing of surety bonds and personal bonds to the satisfaction of trial Court, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

12.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No