

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

**CRM No.M-34234 of 2018 (O&M)
Date of Decision: October 11, 2018**

Sukhwinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Varinder Basa, Advocate
for the petitioner.

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

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.88 dated 29.06.2018 under Sections 409, 120-B IPC and Section 13(1)(d)(i)/13(1) E of Prevention of Corruption Act, registered at Police Station Dera Baba Nanak, District Gurdaspur.

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

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

From the record, I find that the allegation against the present petitioner is that he has misappropriated the record the Gram Panchayat and embezzled an amount of ₹23 lakhs. BDPO, Dera Baba Nanak vide his report, submitted that as per the bank statement of Gram Panchayat, total

amount of ₹18,16,730/- has been withdrawn but no record has been

produced regarding above-said amount which shows that accused has misappropriated/embezzled the funds.

The petitioner was directed to join investigation. During the investigation, the petitioner produced the record before the Investigation Officer along with the bills. As per learned State counsel, the bills have been verified and number of bills were found correct but in some of the cases, the suppliers of the goods have stated that they have not supplied the goods. Learned counsel for the petitioner contended that payments have been made through cheques and not in cash. He also contended that ten persons have given affidavits with regard to supply of goods and receipt of payments. He further argued that petitioner belongs to opposite political party and has contested Assembly elections against one of the present Cabinet Minister, therefore, the present FIR has been got registered to put pressure and to take revenge.

The petitioner has already joined the investigation. He is not required for investigation or custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 11.09.2018 granting interim bail to the petitioner, is made absolute.

October 11, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No