

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

(1)

**Crl. Misc. No.M-34926 of 2018 (O&M)
Date of Decision: September 14, 2018**

Malkit Kaur

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

(2)

Crl. Misc. No.M-36999 of 2018 (O&M)

Rajwinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Nahel, Advocate
for the petitioner in CRM-M-34926-2018.

Mr. Tarunveer Vashist, Advocate
for the petitioner in CRM-M-36999-2018.

Mr. Karanbir Singh, A.A.G. Punjab.

Mr. H.S. Mann and Mr. G.S. Waraich, Advocates
for the complainant(s).

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.116 dated 17.07.2018 registered for the offences punishable under Sections 409, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code, at Police Station Samana, District Patiala.

Heard.

FIR in this case was registered on the complaint by Sub Divisional Magistrate, Samana relating to embezzlement in distribution of pension by Sarpanch Rajwinder Singh (petitioner), Ex-Sarpanch Pargat

Singh, Members Panchayat Labh Kaur, Karnail Singh, Ajaib Singh, Jagga Singh, Malkit Kaur (petitioner) and Raj Kumar. The matter was initially inquired by Block Development and Panchayat Officer, who found distribution of pension in order and the complaint about anomalies on this score filed by Gopal Krishan and other persons of Samana was ordered to be filed. Gopal Krishan then again appeared in person and levelled the allegations that Block Development and Panchayat Officer was also involved in irregularities in the distribution of pension at which SDM, Samana himself inquired into the matter and in inquiry, he found that Sarpanch Rajwinder Singh, Panchayat Secretary Surjit Singh, Raj Kumar, Members Panchayat Labh Kaur, Malkiat Kaur, Karnail Singh Ajaib Singh and Jagga Singh were guilty of irregularities in distribution of pension and BDPO Samana, who was having information in this regard, tried to conceal the lapse and wrongly given a clean chit to them. From the report of Director, Finger Prints Bureau, Phillaur, it was found that old age pension from January 2016 to July 2016 and other financial benefits were distributed on forged thumb impressions.

Learned State counsel has argued that the petitioner(s) in connivance with other co-accused, were preparing two APR sheets regarding disbursement of pension and other financial benefits. It was found that 19 thumb impressions of same person for distribution of pension of dead persons were obtained. Malkiat Kaur was also member of the committee, which was distributing the pension and had signed the disbursement sheet along with Rajwinder Singh Sarpanch.

Learned counsel for the petitioner(s) have argued that petitioner

Malkiat Kaur is an illiterate lady. She had signed the disbursement sheet in

routine and had no concern with the disbursement of pension. Rajwinder Singh is the Sarpanch of Gram Panchayat. Total wrong disbursement of few hundred rupees of pension has been alleged regarding which Rajwinder Singh Sarpanch has given a specific undertaking that though he is not involved and not liable but still he is ready to make good all the deficiency suffered by the State. Both the petitioners are ready to join the investigation and assist in finding the truth behind all the embezzlements.

Inquiry report regarding the irregularities in the disbursement of pension (Annexure P-2) reveals startling facts. It was found that pension of different persons was drawn by putting fake and forged thumb impressions/signatures of several persons including those who have already died. The matter relates to embezzlement of government money, which requires to be thoroughly investigated. Even if, the amount of embezzlement does not run in lakhs, still the responsible persons like Sarpanch or Member Panchayat are not expected to be a party to such embezzlement.

Keeping in view the above facts and circumstance, I do not find it a fit case to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioners particularly when their custodial interrogation is required to unearth the truth.

Both these petitions have no merits. Dismissed.

September 14, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No