

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

**CRM No.M-43672 of 2018 (O&M)
Date of Decision: November 29, 2018**

Jaswinder Kaur

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sunil Chadha, Senior Advocate with
Mr.Umesh Aggarwal, Advocate
for the petitioner.

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

Mr.Rupinder Khosla, Senior Advocate with
Mr.Sarvesh Malik, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.341 dated 14.09.2018 under Sections 409, 420, 465, 466, 467, 468, 471 IPC and Sections 13(1) (a) and 13(2) of the Prevention of Corruption Act, registered at Police Station Civil Lines, District Police Commissionerate, Amrtisar.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that allegations against the petitioner are that she has misappropriated the record of the office of Galiara Project and caused financial loss to the Government and also forged the signatures of higher officers. The perusal of the record shows that there are 168 shops in total in Ghanta Ghar market. Out of these shops, 153 shops have been allotted. On perusal of the record files, record of only 112 allottees has been received and record of 41 shops has not been found. Secondly, in the files of 122 shops of Ghanta Ghar market, there are only allotment letters and no other document relating to the shops has been found. Regarding some shops, only Registries have been found and no other document has been found. The accused has issued 'no dues certificate' qua some shops as mentioned in the FIR under her signatures in place of Satish Kumar, the then Sr. Assistant (Accounts) additional charge of Section Officer (R) and Pardeep Kumar, Section Officer (R) whereas, Jaswinder Kaur had no authority to issue the said 'no due certificate'. She also gave permission to mortgage shop in place of then posted Smt.Luvjit Kalsi, PCS, Estate Officer, whereas she had no authority to issue said permission to mortgage.

Learned State counsel argued that as complete record has not been handed over by the petitioner, she is required for custodial interrogation and files and documents, are with the petitioners, which are to be recovered. Learned counsel for the petitioner argued that there is no evidence regarding entrustment of files to the petitioner. In reply, learned State counsel argued that when other files are recovered from the petitioner, then how she can take the plea that there is no entrusment.

Keeping in view the facts and circumstances of the present

ground is made out for grant of anticipatory bail to her. The official record is still to be recovered.

Therefore, finding no merit in the present petition, the same is dismissed.

November 29, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No