

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-45555 of 2018
Date of Decision: 23.10.2018**

Pargat Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Harvinder S. Maan, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner in case FIR No.116 dated 17.07.2018 registered for the offences punishable under Sections 409, 466, 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, 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 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 counsel for petitioner submits that the petitioner was arrested in this case on 06.08.2018 and is now in judicial custody. His custodial interrogation is no more required by the police. The final report has also not been submitted in Court as investigation against other accused is still continuing.

Learned State counsel assisted by learned counsel for the complainant submits that the petitioner was member of the committee, which was distributing the pension and has signed the pension payment-sheets, which bear fake thumb impressions of several persons, who have already died. APR sheets are yet to be recovered by the police.

The petitioner is in judicial custody. If the police has to recover some documents the same will be recovered from the accused, who have been arrested and in police custody or are to be arrested.

Keeping in view the fact that the petitioner was arrested on

06.08.2018 and completion of investigation; presentation of challan and then conclusion of trial will take considerably long time, the present petition is allowed. Petitioner- Pargat 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.

October 23, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No