

Sr. No.110

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

CRM-M-19932-2016(O&M)

Date of decision:17.01.2019

Sukhdev Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. H.S.Dhandi, Advocate
for the petitioner.

Mr. V.G.Jauhar, Sr.DAG, Punjab.

Mr. R.C.Setia, Advocate
for respondent No.3.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking directions to respondent No.2 to register the case against respondent No.3 on the basis of final report FC NO.408 of 2004 Ludhiana dated 20.02.2005(Annexure P-2) for embezzling the huge amount of Gram Panchayat Funds of Gram Panchayat Bhaini Sahib, District Ludhiana.

The original allegation against respondent No.3 was that he had embezzled the amount of about Rs.31 lakhs. Apprehending foul play, the Court appointed the Special Investigating Team(for short, 'SIT') to investigate the matter. The Report of SIT did not find anything wrong regarding the amount of grants utilised by the Gram Panchayat, except an amount of Rs.8 lakhs. Thereafter, the SIT was directed to further investigate the matter regarding the amount of Rs.8 lakhs.

The SIT has gone through the matter and Report has been filed by way of affidavit of Shive Kumar Verma, IPS, Inspector General of

Police, Vigilance Bureau, EOW, Punjab, SAS Nagar giving the details regarding this amount of Rs.8 lakhs. The Report filed before this Court does not specifically accuses the respondent No.3 for the embezzlement. However, it is mentioned in the Report that one letter dated 29.05.2006 was sent by the Office of BDPO alongwith the Utilization Certificate regarding this amount. The statement of Jaspreet Kaur, Block Development and Panchayat Officer attached with this report also shows that Utilization Certificate qua the amount of Rs.8 lakhs has been received by ADC from the Office of Deputy Economic and Statistical Adviser, Ludhiana. Although in the statement, the BDPO has stated that the said Utilization Certificate is not signed by Technical Officials like J.E etc; however, it is admitted that the said Utilization Certificate is available in records. Further, the letter dated 29.05.2006 which was sent by the BDPO, Ludhiana to the Deputy Economic and Statistical Adviser, Ludhiana alongwith the said Utilization Certificate is not being denied by anybody.

In view of the above, this Court feels that enough time has been devoted by this Court to this inquiry. Either there is no embezzlement in the case or the official respondents are not interested in dealing with the alleged misappropriation or the officials of the Panchayat and Development Department and XEN, P&H are also involved in this bungling, which the State is not interested to unearth. But all these facts do not call for any further investigation at the instance of this Court. This is for the State authorities to proceed in the matter in accordance with law, if considered appropriate.

In view of the above, no further orders are required in this case.
Disposed of.

17th January, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned Yes/No