

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

218

CRM-M-19817-2019 (O & M)
Date of Decision:08.05.2019

Rajwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Tarunveer Vashist, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Rajwinder Singh has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.116 dated 17.07.2018, under Sections 409/465/467/468/469/471/120-B IPC, registered at Police Station Samana, District Patiala.

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 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 (petitioner), 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 the petitioner contends that the petitioner is an innocent person and has been falsely implicated in the case. It is further contended that the challan has already been filed on 08.04.2019. The offence is triable by the Magistrate and the petitioner is in custody since his arrest on 04.03.2019. According to the learned counsel for the petitioner, the entire pension record is in possession of the police.

On the other hand, learned State counsel on instructions from ASI Gurdev Singh has opposed the bail application on the ground that the petitioner was member of the committee, which was distributing the pension and has signed the pension payment-sheet, which bears fake thumb impressions of several persons, who have already died.

Considering the above background and the fact that the offence is triable by the Magistrate, which is likely to consume considerable time,

further detention of the petitioner may not be justifiable. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

08.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No