

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

CRM-M-47926-2018 (O&M)

Date of Decision:-7.3.2019

Navreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.P.S.Bajwa, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J.

Petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.124 dated 7.10.2018 under Sections 406, 420, 409, 465, 467, 468 and 471 of IPC at Police Station Bassi Pathana, District Fatehgarh Sahib.

The petitioner had remained Sarpanch of village Kotla Bhai Ka from July 2013 to August, 2018. Being Sarpanch of Gram Panchayat, he was competent to withdraw an amount from the bank up to ₹ 10,000/-. Further, in case an amount exceeding ₹ 10,000/- up to ₹ 25,000/- was to be withdrawn, the same could be withdrawn under the signatures of Sarpanch as well as of Secretary. Still further, in case an amount more than ₹ 25,000/- is to be withdrawn, the same could be withdrawn under the signatures of the Sarpanch, the Secretary and BDPO. It is the case of prosecution that the petitioner had misused his official position and had withdrawn several

amounts from the bank account of Panchayat by forging signatures of the Secretary as well as the BDPO. The main allegations pertain to three cheques i.e. cheque dated 20.7.2018 for an amount of ₹1,22,400/-; cheque dated 21.7.2018 for an amount of ₹ 1,78,200/- and cheque dated 26.7.2018 for an amount of ₹1,97,150/-.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that proper record has been maintained in respect of the aforesaid cheques in question and that while the amount of ₹1,22,400/- had been withdrawn so as to make payment to the labourers; the amount of ₹1,78,200/- had been withdrawn by the proprietor of Bittu Cement Store, being the dues for supply of cement and that the amount of ₹1,97,150/- had also been disbursed to the labourers working for the Panchayat.

Opposing the petition, the learned State counsel has submitted that since the cheques in question pertained to an amount more than ₹ 25,000/-, the same were required to be duly signed by Secretary and BDPO and since the signatures of the said Secretary and the BDPO had been forged by the petitioner and amounts of ₹1,22,400/- and ₹1,97,150/- had been withdrawn in cash, therefore, no case for grant of bail is made out.

The learned State counsel has further drawn the attention of this Court to the statement of Bittu who had withdrawn the amount of ₹1,78,200/-, recorded under provisions of Section 161 Cr.P.C. wherein he has stated that he had supplied cement worth ₹35,000/- and that it was on the asking of the petitioner that he withdrew the amount of ₹1,78,200/- and after

withdrawing the said amount, the petitioner had handed over ₹20,000/- to him and had retained the remaining amount while telling him that he shall pay another ₹ 15,000/- to him lateron.

I have considered the aforesaid submissions. Although, the learned counsel for the petitioner attempted to justify the payments of ₹ 1,78,200/- to Bittu of Bittu Cement Store by drawing the attention of this Court to bill annexed with the petition as Annexure P-7, but a perusal of the said bill shows that the same is undated and apparently is a fabricated bill. In any case, the main allegations pertained to forgery of the signatures of the Secretary and the BDPO on the cheques in question.

In these circumstances, this Court does not find any special case for grant of anticipatory bail. There is no merit in the present petition and the same is hereby dismissed.

7.3.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No