

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 29.01.2020

1. CRM-M-2673-2020 (O&M)

Raj Singh

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-2679-2020 (O&M)

Satpal @ Kala

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Singh, Advocate
for the petitioner (in both cases).

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to petitioners Raj Singh and Satpal @ Kala, in FIR No.195 dated 25.06.2019 under Sections 120-B, 409, 420, 467, 468, 471 IPC, registered at Police Station Asauda, District Jhajjar.

Learned counsel for the petitioners submits that petitioner Raj Singh is in custody for the last 06 months and 09 days and is not involved in

any other case. It is further submitted that petitioner Satpal @ Kala is in custody for the last 06 months and 06 days and is involved in another case under Excise Act, in which he is on bail.

Learned counsel for the petitioners relies upon the order dated 26.11.2018 passed in CRM-M-49061 of 2019, vide which co-accused Ajay @ Babloo was granted the concession of bail. The operative part of the order reads as under:-

“Counsel for the petitioner has submitted that the FIR has been registered at the instance of the Block Development and Panchayat Officer, Bahadurgarh with the allegation that Pardeep Singh Gram Sachiv, Kheri Jassaur has reported him that the Bank Manager, Anil Sarpanch, Gram Panchayat, Kheri Jassaur and Ajay Ranga, Gram Sachiv, Block Bahadurgarh, in connivance with each other, have fraudulently withdrew huge amount from the Gram Panchayat Account maintained with Sarav Haryana Gramin Bank. It is further stated in the FIR that on inspection, it is found that Anil Kumar, Sarpanch Kheri Jassaur and Ajay Ranga, Gram Sachiv, who was not the Secretary of the Gram Panchayat Kheri Jassaur, in connivance with each other, have prepared a false resolution and by submitting the same to the Bank, showing Ajay Ranga as Secretary of Village Kheri Jassaur and by forging the signatures of the complainant regarding the verification of Ajay Ranga and Anil Kumar Sarpanch, have embezzled 14-15 crores of rupees. It is further argued that during the investigation, the police arrested one Satpal @ Kala and on his disclosure statement, the name of the present petitioner has been surfaced in the FIR.

Counsel for the petitioner has also submitted that the petitioner is not concerned with the dealing and working of the Gram Panchayat of the village. It is also argued that the primary allegations are regarding two resolutions, which were prepared by Anil Kumar and Ajay Ranga. It is further submitted that the

investigation is complete and the petitioner is in custody since 20.07.2019; challan stands presented and the conclusion of the trial will take some time as the offences are triable by the Court of Magistrate, therefore, the petitioner may be granted the concession of regular bail.”

Learned State counsel, on instructions from SI Jai Bhagwan, has submitted that amount of Rs.1.10 lac was recovered from petitioner Raj Singh and Rs.2.83 crores were recovered from petitioner Satpal @ Kala.

After hearing learned counsel for the parties and considering the fact that the offences are triable by the Court of Magistrate and some of the co-accused have already been granted the concession of regular bail, as the challan stands presented, both these petitions are allowed and petitioners Raj Singh and Satpal @ Kala are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioners are found misusing the concession of bail, in any manner.

Petitions stand disposed of.

The observations made in this order shall have no bearing on merits of the case.

[ARVIND SINGH SANGWAN]
JUDGE

29.01.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No