

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

CRM-M-13233 of 2020 (O&M)

Date of Decision: July 10, 2020

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Surjit Singh Swaich, Advocate
for the petitioner.

Ms. Bhavna Grewal, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.161 dated 17.09.2019, under Section 409 of the Indian Penal Code, registered at Police Station Sadar Faridkot, Punjab.

Notice of motion was issued in the matter, pursuant to which reply filed by the respondent-State by way of affidavit of Satvinder Singh, PPS, Deputy Superintendent of Police, Sub Division Faridkot, is taken on record, in which it has been submitted that though the petitioner has joined the investigation, however, the amount misappropriated is yet to be recorded from the petitioner. It is also submitted that Panchayat Department has initiated proceedings under the Punjab Revenue Act to recover the amount

of ₹ 2,75,016/- from the petitioner as land revenue.

Learned counsel for the petitioner contends that the petitioner is falsely implicated in the present case and on the direction of this Court, has joined the investigation. It is also contended that nothing is to be recovered from him.

Per contra, learned State counsel, on instructions from SI Bhupinder Singh, submits that though the petitioner has joined the investigation, however, recovery of misappropriated amount is yet to be effected.

I have heard counsel for the parties.

There are plethora of judgments to the effect that bail should not be denied only on account of the fact that recoveries have not been made. In view of the facts that the petitioner has joined the investigation and that the Panchayat Department has independently initiated proceedings under the Punjab Revenue Act to recover the amount as land revenue, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 29.05.2020 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

July 10, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No