

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

CRM-M-21978-2020

Date of decision: 07.08.2020

Jagraj Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Baldev Singh Sodhi, Advocate
for the petitioner.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Jagraj Singh Ex Sarpanch, stated to be aged 60 years, has filed the present petition under Section 438 Cr.P.C. *inter alia* with a prayer for grant of anticipatory bail in case FIR No.52 dated 26.05.2020 (Annexure P-1), registered under Section 409 IPC at Police Station Kot Ise Khan, District Moga, Punjab.

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner has been named in the FIR which is registered on 26.05.2020. He submits that a complaint was moved by Veer Singh Sarpanch against the petitioner with the allegations that the petitioner had withdrawn more than Rs.40 lacs on fake signatures/thumb impressions of Member Gram Panchayat, Village Khosa Kotla, District Moga. The four

members of the Panchayat have also given their affidavits regarding their signatures/thumb impression. He submits that reading of the FIR would show that the period pertains to the year 2013 onwards till 2017. He further submits that the amount if any, was withdrawn and utilized for the development work of the Panchayat. It is also submitted that the petitioner is a respectable person (Ex Sarpanch) and is a landlord, therefore, he is not likely to abscond.

Notice of motion.

On asking of the Court, Mr. Rana Harjasdeep, DAG, Punjab, accepts notice on behalf of the State.

Learned counsel for the petitioner submits that because of COVID situation and also considering his reputation, detention of the petitioner behind the bars would be dangerous to his life.

Learned counsel for the State however submits that a detailed enquiry has been conducted and he has been found allegedly involved for embezzlement of more than Rs.59 lacs. It is also stated that the case is at investigation stage.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is an aged person i.e. 60 years of age. The petitioner also relies on the order dated 16.06.2020, passed by this Court in CRM-M-15320-2020, wherein, Jasjeet Singh, whereby, co-accused was granted concession of anticipatory bail.

Without commenting upon merits of the case and without recording any opinion, in view of the peculiar facts and circumstances of the

present case, this anticipatory bail petition is disposed of with a direction to the petitioner to appear before the Investigating Officer and join the investigation. The petitioner shall continue to join the investigation as and when required by the IO.

In the event of arrest, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C. In addition to the above said personal/surety bonds, the petitioner shall deposit bank guarantee of Rs.60,00,000/- or original papers of ownership of one acre of land with the Investigating Officer, which shall remain as security and shall await further orders of the Court.

The prosecution is free to move an application for cancellation of bail in case the petitioner does not cooperate with the police.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

07.08.2020

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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No