

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

**CRM-M No. 39578 of 2019 (O&M)
Date of Decision:- 07.01.2020**

Malwinder Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghuman, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.11 dated 31.12.2018, registered under Sections 409, 420, 467, 468, 471, 120-B IPC and under Section 13 (1) (a) read with Section 13(2) of Prevention of Corruption (Amendment) Act, 2018 at Police Station Vigilance Bureau FS-1, Punjab at Mohali, District SAS Nagar, Mohali.

Short reply by way of affidavit of DPS Kharbanda, District Rural Development and Panchayat, Sector 68, Mohali, Punjab is filed by learned State counsel today in Court. The same is taken on record.

As per allegations in the FIR compensation was received in favour of Gram Panchayat, Manouli on account of acquisition of land. The amount was deposited by the Gram Panchayat in different accounts and a bank account was opened in the name of Gram Panchayat under the signatures of Sarpanch Avtar Singh, Ravinder Singh, Secretary, Gram Panchayat, Manouli and Malwinder Singh (petitioner), BDPO Kharar. The said account was to be operated by the aforesaid three persons under their signatures. As per allegations, cheques No.1 to 4 in a sum of Rs.34,45,000/- were issued in favour of different suppliers. Signature of Avtar Singh on these cheques are alleged to be forged. It is not in dispute that the amount of Rs.34,45,000/- has been redeposited in the account of Gram Panchayat. Allegations of temporary embezzlement if any, would be subject to ultimate decision of the criminal case. Cheques No. 5 to 10 and Sr. No.11 demand draft were signed by Jatinder Singh Dhillon, BDPO Block Kharar, Ravinder Singh, Panchayat Secretary Village Manouli and Avtar Singh, Sarpanch.

The petitioner is not signatory to the aforesaid cheques and demand draft. The signatory to cheques No. 5 to 10 i.e. Jatinder Singh Dhillon, BDPO, Block Kharar has been granted anticipatory bail by the Court of Sessions vide order dated 14.02.2019. Sarpanch Avtar Singh, whose signatures are alleged to be forged on Cheques No. 1 to 4 is also a co-accused

and he has also been granted anticipatory bail by the High Court in CRM-M No.22058 of 2019 on 30.09.2019.

Learned counsel for the petitioner with reference to the allegations contends that the signatures of the petitioner on Cheques No. 1 to 4 cannot be alleged to be forged. Even if, the amount of Rs.34,45,000/- was paid to the suppliers at one point of time, the said amount has again come in the account of Gram Panchayat.

The petitioner is in custody since 19.05.2019 and has undergone about 7 months and 15 days of custody as on 06.01.2020. The case has reached the stage of recording prosecution evidence. It may take some time in its culmination.

Learned State counsel on instructions from ASI Kashmir Singh however opposes the prayer on the ground that the beneficiaries of the cheques No. 1 to 4 are also accused in the present case and they have been declared as proclaimed persons/offenders. In any case, the petitioner being BDPO at the relevant time is a signatory to only 4 cheques. His signatures are not disputed. The disputed signatures are of only Avtar Singh, who is also a co-accused in the present case. The amount has already been deposited back in the account of Gram Panchayat. The allegations if any, would constitute a temporary embezzlement which would be seen by the Trial Court at an appropriate stage in accordance with law.

At this stage, without meaning anything on the merits of the case, it would be just and appropriate to release the petitioner on regular bail.

Let the petitioner be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Accordingly, this petition is allowed.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

07.01.2020

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**(Raj Mohan Singh)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No