

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14780-2021
Date of Decision: 24.09.2021

Ranjha Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parampreet Singh Brar, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.110 dated 23.11.2018 under Sections 420, 406, 409 and 120-B IPC, registered at Police Station Sadar Kotkapura, District Faridkot.

The learned counsel for the petitioner has submitted that the petitioner is in custody since 25.11.2020 which is more than 10 months. He has further submitted that the investigation of the case is already complete and the challan has been presented on 22.02.2021 and thereafter, charges have been framed on 02.08.2021. He submitted that it is a case where the petitioner was a Sarpanch of a village and the primary allegations with

regard to the non-measurement of the land and allegations of some embezzlement has been made against the Panchayat Secretary who was supposed to provide the utilization certificate regarding the grant and he was the Panchayat Secretary of the two villages. He submitted that the entire record and the duty to measure and to provide the utilization certificate vested with the Panchayat Secretary and the petitioner being an illiterate Sarpanch had no role to play. He submitted that even otherwise also there is only an allegation of embezzlement of money but there is no settlement of any liability into that extent by administrative authority. He submitted that he is facing incarceration and the investigation of the case has already been completed and no useful purpose will be served in case the petitioner is kept in custody as the entire case is based upon the record which is already with the police. The learned counsel has submitted that the petitioner is 73 years of old man. He further submitted that the petitioner is not involved in any other case and, therefore, he may be considered for grant of regular bail.

On the other hand, Mr. Randhir Singh Thind, learned DAG, Punjab has stated that it is correct that the petitioner is in custody since 25.11.2020 and investigation of the case is complete and after presentation of challan the charges have been framed and the entire case is depended upon the documentary evidence. He has however opposed the grant of regular bail on the ground that the matter pertains to embezzlement and, therefore, the petitioner may not be granted bail.

I have heard the learned counsel for the parties.

The custody of the petitioner is not in dispute. It is also not in dispute that the investigation of the case is complete and the charges have

already been framed and the subject matter of the dispute pertains to the record which according to the learned counsel for the petitioner is with the police. The submission made by the learned counsel for the petitioner that till date even no administrative authority has ascertained any amount of embezzlement if any committed by the accused persons. He submitted that these are allegations which are to be adjudicated at the time of trial and since the trial of the case would take long time, the submissions made by the counsel for the petitioner carries weight. Furthermore, the petitioner is 73 years old man and there is no other case against the petitioner. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

24.09.2021

rakesh

(JASGURPREET SINGH PURI)**JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No