

CRM-M-29697-2021(O&M)
Date of decision: 13.10.2021

Paramjit Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G.S.Brar, Advocate, for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. S.P.S.Tinna, Advocate
for respondent No.2.

AVNEESH JHINGAN, J. (Oral)

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in case of FIR No.69 dated 07.09.2020, under Sections 420, 409 IPC, 1860 and Section 13(2) Prevention of Corruption Act, 1988 registered at Police Station Sudhar, District Ludhiana.

The FIR was registered on an application received from Block Development and Panchayat Officer, Pakhowal. The allegation was that one Balbir Singh, S.E.P.O. (Retired) B.D.P.O. at the relevant time through Block Samiti, Pakhowal misappropriated funds of different Gram Panchayats. The matter was enquired by the Executive Engineer, Panchayati Raaj, P.W.D., Sri Fatehgarh Sahib. In inquiry, it was found that a total sum of Rs.1,18,43,215/- was spent and an amount of Rs.1,13,31,931/- was misappropriated. According to the Audit Branch, an amount of Rs.1,13,31,931/- was recoverable from Balbir Singh. The anticipatory bail of Balbir Singh was declined and the matter was taken up to the Supreme Court. Thereafter, he surrendered during investigation and disclosed that a

sum of Rs.10,82,000/- of grant received was withdrawn by petitioner-Paramjit Singh (Ex-Sarpanch) on the basis of six cheques issued in his name by Balbir Singh. The petitioner was granted interim anticipatory bail by the Sessions Court. He joined the investigation and handed over hand written expenditure account, which was not supported by any bill or voucher. As there was lack of cooperation, the anticipatory bail was dismissed, hence this petition.

Learned counsel for the petitioner argues that the petitioner was not holding any office. He was a common man only ensuring that the work is done in the village and it was Balbir Singh, B.D.P.O., who issued the cheques in his favour for withdrawing the amount. He had withdrawn the amount and handed over back to Balbir Singh. Counsel for the petitioner placed reliance on the affidavits filed with miscellaneous application.

Learned State counsel opposes the grant of bail. She submits that there is sufficient material to show that the cheques of the grant amount were issued in the name of the petitioner. He had withdrawn the amount from the banks. The contention is that his filing of the handwritten expenditure account shows that the petitioner was actively involved in misutilization of the grant amount. She relies upon Para 6 and 7 of the reply filed. The same is reproduced below:-

“That it is submitted that during interrogation, the co-accused Balbir Singh had disclosed that the Government has sanctioned grants for sewerage purpose of the Village sarabha amounting to Rs.1 crore. Out of this grant, he along with Ex. Sarpanch Paramjit Singh (petitioner) has misappropriated the amount of Rs.20 lakhs. Out of this

embezzled amount, he received Rs. 10 lakhs and remaining amount of Rs.10 lakhs was received by Ex. Sarpanch Paramjit Singh (petitioner). The investigating agency got the report from Punjab National Bank, Branch Pakhowal, District Ludhiana regarding the entries in the Bank Account Number 13492011001383 of the office of B.D.P.O., Pakhowal which shows that Ex. Sarpanch Paramjit Singh @ Premjit Singh had withdrawn the cash amounting to Rs.10,82,000/- through 6 cheques on various dates between 10.05.2016 to 16.07.2016 which was issued by co-accused Balbir Singh, BDPO. This money has been received illegally by the petitioner in connivance of the co-accused Balbir Singh. Therefore, it is clear that the petitioner has misappropriated the public money in connivance of the co-accused Balbir Singh and the same is required to be recovered from the petitioner. The true copy of the Report of the Bank Manager of Punjab National Bank, Branch Pakhowal is annexed herewith as Annexure R-2.

7. That during further interrogation of the co-accused Balbir Singh, he disclosed that the Government has sanctioned grant of Rs.45 lakhs for preparing ground and gym in village Phellewal. The work of preparing a ground & gym in a Village was looked after by Gurdeep Singh S/O Joginder Singh. Co-accused Balbir Singh further disclosed that out of this amount he and Gurdeep Singh have embezzled the amount of Rs.10 lakhs. Out of this amount of Rs.10 lakhs he received Rs.5 lakhs and the remaining amount was embezzled by Ex-Sarpanch Gurdeep Singh. Disclosure Statement of co-accused Balbir Singh was recorded during interrogation in the presence of the witnesses. On the basis of the interrogation of co-accused Balbir Singh, Paramjit Singh @ Premjit Singh Ex-Sarpanch and Gurdeep Singh were nominated as accused in this case and offence under Section 120-B of Indian Penal Code was added vide Zimni dated 12.01.2021.”

As per the allegations, the case in hand is of economic offences that too at the grass root level of the democracy. It is not disputed by either of the parties that there is no procedure that B.D.P.O. would issue the grant amount cheques in the name of private person. The production of handwritten expenditure accounts on joining the investigation, prima facie shows that the petitioner was not an alien to what was happening with grant amount. It is not a case where the name of the petitioner surface only in a disclosure statement something more is available on record as on date. The affidavits produced along with the miscellaneous application are of September, 2021 in which the deponents have stated that they had received amounts for their work done and the payment was made by the B.D.P.O. Balbir Singh after getting money from petitioner.

Without making any further comment upon the evidence now produced, as it will effect the investigation, suffice it to say that there appears an attempt to create evidence during this period. It is appropriate to note that on custodial interrogation of B.D.P.O. Balibir Singh certain recoveries were made from him. Considering the serious allegation, no ground is made for grant of anticipatory bail.

Dismissed.

However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

13.10.2021
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(AVNEESH JHINGAN)
JUDGE

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