

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

CRM-M-17920-2018

Date of Decision: September 08, 2022

Jarnail Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioner.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Raman Mohinder Sharma, Advocate
for respondent Nos.4 and 5.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for directing respondent Nos.2 and 3 to register a criminal case against the private respondents in view of the inquiry report dated 11.10.2017 (Annexure P-3) regarding the embezzlement, misuse of Panchayat funds, irregularities in development work of the Gram Panchayat and to recover the said embezzled amount from the private respondents.

Notice of motion was issued in this case on 01.05.2018.

Reply on behalf of the respondent Nos.4 and 5 has already been filed, wherein it has been stated that a show cause notice dated 19.02.2018 was issued to respondent No.5 by the Department with regard to the complaint filed by the petitioner and was asked to file reply to the said notice within a period of 10 days, failing which ex parte proceedings

would be initiated against him. In response thereto, respondent No.5 filed his reply dated 08.03.2018, which is appended with the present petition as Annexure R-2. Thereafter, an inquiry was conducted, which has been placed on record as Annexure R-4 dated 12.12.2018, wherein it is mentioned the matter was enquired into by perusing the records regarding statements of respondent Nos.4 and 5, whereafter it was consigned to the record room, as none of the allegations levelled in by the complainant were proved. The relevant portion of the said inquiry report reads as under:-

“It is found after perusing documents and statements of Pawan Kumar Panchayat Secretary and Balwinder Singh Sarpanch (now former) Gram Panchayat Bakhshiwala, that complainant had levelled allegations against Sarpanch Balwinder Singh Village bakhshiwala which are as follows:-

- 1. No accounts have been maintained regarding Theka/rent of five years of the 3 bighas of land of the panchayat situated at Jakhepal Road.*
- 2. What was done to the old bricks of the boundary wall of the Government High School and Primary School?*
- 3. For what amount the iron gate of Ravidas Dharamshala was sold and in which account the amount was deposited.*
- 4. In which account the amount was deposited after uprooting three eucalyptus trees and one Neem Tree.*
- 5. In which account the amount was deposited after uninstalling the water handpumps of School and Graveyard.*

After perusing file, statements, no above said allegation is proved.

- 1. The three bighas of land situated at Jakhepal Road was not leased out by the panchayat due to it was under illegal possession since 2006. So there was no income from it. It is pertinent to mention here that the panchayat has recovered the possession of the same on 25.03.2018, there is proposal for construction of sewerage treatment plant of Hadda rori thereon.*

2. The bricks of the school were not taken by the Panchayat rather those are lying in the school. The Head Master of Government High School bakhshiwala has verified the same through his letter dated 22.02.2018.

3. It has been verified by the president Bhagat Ravidas Committee Bakhshiwala that the gate of Dharamshala had been sold in Rs.4500/- and this amount has been used in Dharamshala on the purchase of different articles. The allegation regarding uprooting the trees, those trees have been uprooted by the panchayat by passing a resolution. The Fateh Sports and Social Welfare Club, village Bakhshiwala has verified that the handpumps which were uninstalled, the articles of those handpumps were being used as poles in the sports stadium of the village.

Apart from it, the complainant has not produced any proof or witness to prove the allegations levelled by him.

It is clear from the above mentioned that the complainant has made the complaint due to some personal grudge and to harass Sarpanch Balwinder Singh. The complaint seems to be baseless. No allegation levelled in the complaint is proved. So, the complaint is recommended to be consigned to the record room."

It is also brought to the notice of this Court that the present petition was filed before this Court on 25.04.2018, however, the action based on the complaint of the petitioner was initiated on 19.02.2018 itself by issuing notice to respondent No.5 (Annexure R-1).

As per the short reply filed on behalf of the State, learned State counsel submits that no representation was submitted by the petitioner.

Learned counsel for respondent Nos.4 and 5 submits that in view of the above, the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further order is required to be passed in the matter. Accordingly, the present petition stands disposed of as having been rendered infructuous.

However, the petitioner is at liberty to avail the alternative remedy available to him, in accordance with law.

September 08, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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