

**110 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-15745-2022

Date of Decision: 19th April, 2022

Issack Masih

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rishu Mahajan, Advocate for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 32 dated 25.2.2021, under Sections 406/409/420/120-B IPC, registered at Police Station City Nakodar, District Jalandhar.

The FIR was registered on an application received from District Education Officer (AC) Jalandhar. There are allegations that during his tenure as Block Primary Education Officer, Allowal, the petitioner had committed fraud in the construction of a school building. The allegations are that grant of Rs. 56.25 lakhs was received whereas as per the value assessment report only Rs. 42 lakhs were spent.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated due to political rivalry. There is always difference between the assessment report and the actual expenditure, the school building was actually constructed and the school is running in the said building.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail. He submits that there is a difference of more than Rs. 14 lakhs in the grant received and the amount spent. It is argued that the building plan was not sanctioned.

The allegations are based on the assessment report. There is

difference of Rs. 14 lakhs between the actual expenditure claimed and the value assessment. The case is basically set up on the basis of documentary evidence. No recovery as on date is to be effected from the petitioner. The petitioner is granted anticipatory bail subject to his joining investigation within two weeks. In the event of his arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Arresting Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

[AVNEESH JHINGAN]
JUDGE

19th April, 2022
mk

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |