

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

CRM-M-17900-2022

Date of Decision:-29.08.2022

Satvir Singh Dahiya.

.....Petitioner.

Vs.

State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. K.S. Malik, Advocate for the Petitioner.

Mr. Parveen Kumar Aggarwal, DAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 438 Cr.PC is for the grant of anticipatory bail to the petitioner in case FIR No.0082 dated 07.02.2022 under Section 120-B, 406, 409, 420, 506 IPC registered at Police Station Kharkhoda, District Sonipat, Haryana.

The brief facts of the case are that a complaint was received by the Lokpal MANREGA, ADC Office, Sonipat which was lodged at the CM Window by Ashwin son of Sh. Ram Kumar, a co-villager who levelled allegations that they were not being paid further remuneration for the works they had done under the MANREGA scheme. It was stated that the petitioner accused Satvir Singh had prepared job cards of his own family members and was making payments under the MANREGA scheme to those family members who were not working and, therefore, lot of bungling was

going on in MANREGA scheme in their village. The Sarpanch Krishan Kumar, Sunder Singh Suhag, ABPO and Gram Sachiv were also directed to be present in the office of the Lokpal and after conducting an enquiry the Lokpal imposed a fine upon Krishan Kumar, Satvir Dahiya (petitioner), Secretary Darshan Singh, Sunder Singh Suhag, ABPO and Naresh Chhikara, BDPO, Kharkhoda as per Chapter 6 of 25 under MANREGA Act and directed a recovery of Rs.3,77,841/- to be made from them. As per the complainant job cards for labourers were being prepared to usurp government funds. Rs.500/- only was being paid for a weeks work while the remaining amount was being retained by them. It was further stated that the petitioner's son Anil was employed somewhere else while Anil's wife Ekta was an advocate but he had got issued job cards in the name of the aforesaid persons. After giving employment to one Santosh Kumari on job card no.HR07-010-002-001/176, the accused deleted his job card and issued a fresh job card. This could not be done as under the scheme one person of each family whose names were shown in the ration card can work for 100 days and not more. The complainant had also produced audio recording, memory cards wherein Sarpanch Krishan Kumar is paying illegal gratification to the villagers to withdraw their complaints. It was also stated that as on 23.12.2020 Ekta was issued job card no.356, Santosh Kumari 176 on 10.05.2020 and after completion of 96 days of work, their old job cards record were deleted and new job cards were issued. The Secretary Darshan Singh had prepared a fresh list of labourers, 102 in number which was forged as he had included 102 labourers some of whom had never done any work under the MANREGA Scheme. During the course of inquiry it was found that Satvir Singh had signed the muster roll

in the column of “attendance taken by” which shows that he did not perform his duty as per rules and regulations. During the enquiry the Lokpal MANREGA had imposed a fine and recovery of Rs.1000/- and Rs.3,77,841/- upon the accused including the petitioner.

The petitioner sought the concession of anticipatory bail and when this matter came up for hearing before this Court on 29.04.2022 the following order was passed:-

“ Learned counsel has argued that as per allegations, petitioner issued multiple job cards to various persons including his own family members under scheme Manrega to extend undue benefit, and thereby caused a wrongful loss of approximately Rs.3,77,000/-. He has invited the attention of the Court to the order dated 14.10.2021 (Annexure P-3) passed in CWP-21346-2021 to contend that the said recovery ordered against the petitioner has already been stayed by the writ Court.

Notice of motion.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana accepts notice and prays for time to file reply.

On his request, adjourned to 17.05.2022.”

Thereafter on 15.05.2022 the status report by way of affidavit of ASP Kharkhoda was filed and the matter stood adjourned to 25.05.2022.

On 01.06.2022 the following order was passed:-

“ Learned State counsel prays for time to produce the job card allegedly signed by the petitioner, wherein the job was extended to his family members.

Adjourned to 13.06.2022.”

Pursuant to the said order a status report by way of affidavit dated 09.06.2022 was filed on behalf of the respondent-State on 13.06.2022.

The Counsel for the petitioner contends that the case is based on documentary evidence and as such the custodial interrogation of the

petitioner is not required. He contends that the petitioner had preferred CWP No.21346 of 2021 in which while issuing notice of motion this Court had stayed the recovery of the amount from the petitioner. It was contended that the petitioner is not a person who is appointed under the MANREGA scheme, was not a Sarpanch, Panch or a Lambardar and, therefore, could not be liable in any manner and a concocted story has been coined up to implicate him. It was thus contended that the custodial interrogation of the petitioner is not required.

The Counsel for the State has referred to the replies dated 15.5.2022/09.06.2022 to contend that it was the petitioner who had signed the muster roll in the column “attendance taken by”. As per the investigation double job cards of the labourers were prepared and the petitioner being a retired officer knew that only one job card could be prepared for one family in a year. He thus had violated the guidelines of the scheme in connivance with the Sarpanch Krishan Kumar and various other officials. In fact the son of the petitioner, namely, Anil was employed elsewhere whereas his daughter Ekta is an advocate. He had got issued job cards in their names as well and had even signed the attendance record. Saroj wife of Jaipal got recorded her statement to the effect that the petitioner had got employed his family members and as many as 10 other persons were issued double job cards which was impermissible. The petitioner-accused was working as “mate” whose duty was to take the attendance of the labourers. It was submitted that merely because the recovery proceedings had been stayed does not mean that no offence has been committed and the said recovery was stayed not on account of exoneration but on account of a legal technicality. In fact the petitioner had

committed various acts of omission and commission by preparing double job cards and names of those persons who were not eligible under the MANREGA scheme had been issued job cards. While referring to the second status report learned State Counsel has particularly pointed out Annexure R-1 which is the job card of Ekta daughter-in-law of the petitioner bearing no. HR-07-010-002-001/264 which was registered on 4.7.2020. Once again the job card of Ekta was prepared bearing no. HR-07-010-002-001/356, which was registered on 23.12.2020 having family ID no. 356 (Annexure R-2). The job card of the wife of the petitioner namely Smt. Santosh bearing no. HR-07-010-002-001/176 was generated on 10.5.2020 having family ID no. 176 (Annexure R-3). Similarly, the job card of the wife of the petitioner namely Smt. Santosh bearing no. HR-07-010-002-001/350 was generated on 20.12.2020 having family ID no. 350 (Annexure R-4). It is, therefore, apparent that the petitioner was marking his wife present as per the muster roll. In the said muster roll, the names of Jaipal, wife of Jaipal, namely, Smt. Saroj and Anil son of Jaipal are also mentioned, who belong to the same family. It was stated that the family of the said Jaipal is in close relationship with the petitioner and therefore, the petitioner knew very well that Jaipal, Smt. Saroj and Anil Kumar belong to the same family. The muster roll dated 10.5.2020 and 18.5.2020 are annexed as Annexure R-5 and R-6. It was thus stated by learned counsel for the State that all the accused including the petitioner had prepared double job cards of the labour for the work of cleaning of roads and canals in the village of Anandpur Jharoth. As per the norms of MANREGA the work for only 100 days can be given to one family/ration card in a year and only one job card could be prepared. However, the petitioner despite being a retired official

being well aware of the fact that only one job card would be prepared for a family in a year, violated the guidelines of the said scheme in connivance with various officials including the Sanrpanch Krishan causing loss to the Government to the tune of Rs.3,77,841/-. The attendance register of the workers in the said scheme was obtained which bears the signatures of the petitioner to be the person “attendance taken by”. Apparently, double job cards from the same family were also prepared. It is the contention of the learned state counsel that the custodial interrogation of the petitioner is required not only on the ground of seriousness of the allegations but also as the actual facts needs to be ascertained and the modus operandi of the accused persons needs to be investigated. The names of other accused persons will also be brought to light during custodial interrogation.

I have heard learned counsel for both the parties at length.

The allegations against the petitioner are grave. He has got prepared double job cards for the persons of his choice knowing that the same was not permissible as each family/ration card was entitled to only 100 days employment in a year under the MANREGA scheme so that the benefit of the same can be provided to a larger chunk of the population. Further, he has recommended the names of ineligible persons for issuing job cards including those of his own family members, one of whom is his son who is highly qualified being M.A. and secondly, his daughter-in-law who is an advocate. In fact Ekta has two job cards (Annexure R-1 and R-2) and Santosh wife of the petitioner also has two job cards (Annexure R-3 and R-4). This was clearly impermissible and amounts to gross illegality. Merely because the recovery proceedings have been stayed vide order Annexure P-3 would not take away the fact that the offence has been *prima facie*

committed. A perusal of the order dated 14.10.2021 (Annexure P-3) would show that the interim stay of recovery of amount is primarily on account of the fact that the impugned order of recovery had been passed without serving any notice upon him and was in violation of principles of natural justice.

In the present case, custodial interrogation of the petitioner is certainly required not only on account of the seriousness of the allegations but also on account of the fact that modus operandi of the accused needs to be ascertained. The names of the other persons involved in the crime are also to be ascertained from the petitioner and if the custodial interrogation of the petitioner was not permitted then it would lead to gaps in the investigation, adversely affecting the same.

In view of the above, I find no merit in the petition, which is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 29, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>