

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

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CRM-M-52732-2021

Date of Decision : January 06, 2022

JORA SINGH

.....Petitioner

VERSUS

THE STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. S.K.Chawla, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0110 dated 23.11.2018 under Sections 420, 406, 409 and 120-B IPC, registered at Police Station Sadar, Kotkapura.

The learned counsel for the petitioner has submitted that the petitioner is in custody since 16.10.2021 and the challan against the petitioner has already been presented before the learned trial Court, although the charges have not been framed as yet. He submitted that it is a case where the allegations against the petitioner are that he had not submitted the measurement certificate for the utilization of the amount which was allotted for the development of the land of the Panchayat. He submitted that the FIR is of the year 2018 and it is only the allegations

which have been made against the petitioner that he had mis-utilized the funds whereas no ascertainment of such mis-utilization have been made by any of the Administrative Department of the Panchayat. He submitted that in the absence of any ascertainment of any amount, the petitioner cannot be put behind the bars only on the basis of such allegations. He has further submitted that the other co-accused, namely, Ranjha Singh has also been granted bail by this Court and, therefore, he may be considered for the grant of regular bail. He further submitted that the petitioner is also having an acute medical problems and he is under treatment of Dr. Vikrant Bajaj, M.D. (Psychiatry) at Kotakpura. He has submitted that the petitioner is not involved in any other case.

On the other hand, learned Deputy Advocate General, Punjab has submitted that so far as the custody period of the petitioner is concerned, it is correct. He further submitted that the petitioner was apprehended later on and, therefore, although the charges have been framed against the other co-accused but the charges have not been framed against the petitioner. He has opposed the grant of bail on the ground that the allegations pertain to huge amount of money against the petitioner with regard to the Panchayat funds.

I have heard the learned counsels for the parties.

The custody period of the petitioner is not in dispute. It is also not disputed by the learned State counsel that the petitioner is not involved in any other case. On a specific query being raised to the learned State counsel as to whether after the registration of the FIR there is any ascertainment of the amount by any Administrative Department or

not, the learned State counsel has expressed his inability to assist the Court in this regard although he stated that he had telephonically contacted the IO but no information was given to him with regard to the same.

In view of the totality of circumstances of the present case and without expressing anything on the merits of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

January 06, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No