

CRM-M-53064 of 2022

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

CRM-M-53064 of 2022
Date of decision: 17.11.2022

Jaspal Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Ramesh Sharma, Advocate for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.32 dated 25.02.2021 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 Sarpanch of village Allowal, the petitioner had committed fraud in the construction of a school building. The allegations are that grant of ₹56.25 lakhs was received whereas as per the value assessment report only ₹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

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said building. Learned counsel further submits that co-accused of the petitioner, namely, Pawandeep Kaur and Issack Masih have been granted pre-arrest bail by a Co-ordinate Bench of this Court vide orders dated 19.07.2021 and 19.04.2022 passed in CRM-M-27859 of 2021 and CRM-M-15745 of 2022 (Annexures P-8 and P-9), respectively.

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 ₹14 lakhs in the grant received and the amount spent. It is argued that the building plan was not sanctioned. Learned State counsel further submits that petitioner is involved in another FIR No.94 dated 21.09.2019 registered under Sections 323, 324, 34 IPC at Police Station City Nakodar, District Jalandhar.

However, learned counsel for the petitioner submits that petitioner has already been enlarged on bail in the said case by the Court of learned Sub Divisional Judicial Magistrate, Nakodar, vide order dated 22.09.2022 and the said order has been placed on record.

The allegations are based on the assessment report. There is difference of ₹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

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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.

17.11.2022
R.S.

(NAMIT KUMAR)
JUDGE

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