

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

Date of Decision: 1st December, 2022

1. CRM-M-54400-2022

Hakam Singh

.. Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M-54664-2022

Sukhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. G.P.S. Ghuman, Advocate,
Mr. K.D.S. Bajwa, Advocate and
Mr. Tarundeep Kumar, Advocate for the petitioners.
Mr. A.P.S. Tung, DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. These two petitions are filed seeking regular bail in case of FIR No. 12, dated 26th May, 2022, under Sections 406, 420, 409, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860 and Section 13(1) (A) read with Section 13(2) of the Prevention of Corruption Act, 1988 (for short 'the Act') registered at Vigilance Bureau, District Patiala.

2. Learned counsel for the petitioners submit that Hakam Singh (petitioner in CRM-M-54400-2022) is in custody since 18th July, 2022 and Sukhwinder Singh (petitioner in CRM-M-54664-2022) is in custody since 17th June, 2022. They claim parity with co-accused Darshan Singh who was granted regular bail by this court on 17th November, 2022.

3. The following order was passed on 17th November, 2022:

“These petitions are filed seeking regular bail in case of FIR No. 12 dated 26.5.2022 under Sections 406, 420, 409, 465, 467, 468, 471, 120-B and 201 IPC and Section 13 (1) (A) read with Section 13 (2) of Prevention of Corruption Act, 1988 registered at P.S. Vigilance Bureau, Patiala, District Patiala.

The name, custody and official status of the petitioners are mentioned below in tabulated form:-

Case No.	Petitioner Name	Official Status	Date of custody
CRM-M-41613-2022	Darshan Singh	Member Panchayat Vill. Akari	27.5.2022
CRM-M-42297-2022	Manjeet Singh	Sarpanch Vill. Sehri	27.5.2022
CRM-M-44515-2022	Swaran Kaur	Member Panchayat Vill. Sehra	8.7.2022
CRM-M-44803-2022	Surjit Singh	Member Panchayat Vill. Takhtu Majra	8.7.2022
CRM-M-45752-2022	Paras Mangla	Contractor and Supplier	13.8.2022
CRM-M-49542-2022	Kuldeep Singh	Employee of accused Dinesh Kumar Bansal	18.7.2022
CRM-M-36612-2022	Dharminder Kumar	JE Panchayat Department	2.6.2022

The brief facts of the case are that Shamlat land of village Pabra, Takhtu Majra, Aakri, Sehra, Sehri, Block Shambhu, Tehsil Rajpura, District Patiala was acquired by PUDA (Department of Punjab Government). The land acquisition compensation was received by Gram Panchayat concerned. As per the instructions issued, the amount of compensation was to be kept in a fixed deposit and interest earned from it was to be used for development work. Prior approval from the authorities was required for utilization of the amount.

As per the allegations, the Members of Panchayat in connivance with the officials, contractors and the businessmen embezzled the funds ostensibly showing that these were used for carrying out constructions, renovations and developmental activities which were not actually done. For utilization of the funds, the Resolutions were passed by the Gram Panchayats and without getting due approval the amount was utilized.

During investigation, it was found that in village Aakri, works i.e. construction of marriage palace, Cemetery (Kabristan), Panchayat Ghar, pond, dispensary and reinforcement of canal banks were not carried out whereas payments were made.

In village Sehri, pond was to be constructed and fifty solar lights were to be installed. It was found that apart from digging work, no other work was done for pond. Out of fifty solar lights only six were installed.

In village Sehra, the amount spent was more than work done and the norms were violated.

Learned counsel for the petitioners submits that custody of the petitioners be considered, their personal liberties should not be deprived, investigation is complete challan presented, petitioners are not involved in any other case and no recovery is to be made from them.

Learned State Counsel opposes the prayer for grant of bail of the petitioners however has not disputed the fact that investigation is complete challan presented, petitioners are not involved in any other case and no recovery is to be made from them.

Without commenting on the merits of the cases, considering the fact that no useful purpose would be served by depriving the petitioners of their personal liberties, challan stands presented, no recovery is to be made from them, in spite of the fact that investigation is complete conclusion of trial is likely to take time and petitioners have no criminal antecedents, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main cases have been decided, the pending application(s), if any are rendered infructuous.

A photocopy of the order be placed on the file of connected cases.”

4. Learned counsel for the State though opposes the prayer for grant of bail, however he has not disputed the fact that investigation is complete and challan stands presented. He is not in a position to distinguish the case of the petitioners qua the co-accused so far as grant of bail is concerned.

5. Without commenting on the merits of the case, on the basis of parity of petitioners vis-a-vis co-accused so far as grant of bail is concerned and though the investigation is complete conclusion of trial is likely to take time, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petitions are allowed.

7. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. A photocopy of this order be placed on the file of connected case.

(AVNEESH JHINGAN)
JUDGE

1st December, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No