

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

CRM-M-55298-2022

Date of Decision: 8th December, 2022

Avtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Janak Singh Bhinder, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl A.G., Punjab.

AVNEESH JHINGAN , J.(Oral)

This petition is 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 IPC read with Section 13 (1), 13 (A) read with Section 13 (2) of Prevention of Corruption Act, 1988 registered at P.S. Vigilance Bureau, Patiala, District Patiala.

Learned counsel for the petitioner claims parity with co-accused Darshan Singh and others who were granted regular bail by this court on 17.11.2022.

On 17.11.2022, the following order was passed :-

“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 :-

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

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.”

Learned counsel for the State though opposes the prayer for grant of bail, he is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case, considering the nature of allegations, on the basis of parity of petitioner 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 petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

**(AVNEESH JHINGAN)
JUDGE**

8th December, 2022