

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-963-2023 (O&M)
Date of Decision:- 16.1.2023

Hardeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bhateja, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab with
Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Angrej Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks regular bail in a case registered vide FIR No.12, dated 26.5.2022 at Police Station Vigilance Bureau, Punjab, under Sections 406, 420, 409, 465, 467, 468, 471, 120-B of Indian Penal Code and Sections 13(1)(A) read with Section 13(2) of Prevention of Corruption Act, 1988.
2. As per the case of prosecution, 'Shamlat' land in respect of Villages Aakrri, Sehra, Sehri, Pabra and Takhtu Majra was acquired by Punjab Urban Development Authority (PUDA) and the compensation amount received in respect of the said acquisition was invested in FDR, which was to be used for development works subject to prior

approval of the authorities concerned for the purpose of utilization of the said amount. It is alleged that the members of '*Panchayat*' in connivance with the officials, contractors and businessmen embezzled the funds of the '*Panchayat*' on the pretext of carrying out construction, renovation and development activities etc., which infact were never executed.

3. Learned counsel for the petitioner contends that he is nowhere named in the FIR and came to be nominated as an accused solely on account of the fact that he is one of the signatories of the resolutions vide which development work had been allotted to various persons. Learned counsel submits that the petitioner cannot be held liable for any embezzlement in case the persons who were supposed to execute the work had not executed the work completely. It has also been submitted that co-accused Sarpanch has already been released on bail by this Court.
4. Opposing the petition, learned State counsel submits that the petitioner was hand in gloves with the other signatories i.e. the other Panchs' and Sarpanch and also with the private individuals/contractors who had been allocated development work and since an amount of about Rs.8 crores in respect of village Sehri had been embezzled, no case for any leniency is made out. Learned counsel has however, informed that the petitioner has been behind bars since the last about 3 ½ months and he is not wanted in any other case.
5. This Court has considered the rival submissions.

6. Without commenting anything as regards merits of the case, but having regard to the fact that the petitioner has been behind bars for a substantial period of 3 ½ months and otherwise enjoys a clean record, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.1.2023
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No