

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

212

CRM-M-1286-2023 (O&M)

Date of Decision: 17.01.2023

Malkiat Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Atul Goyal, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.166 dated 11.10.2017 at Police Station City Malout, District Sri Muktsar Sahib, under Sections 409/420/465/467/468/471/477-A/120-B IPC and under Section 13(1)(c), 13(1)(d) of the Prevention of Corruption Act.
2. The allegations, as per the FIR, in nutshell are to the effect that Sandeep Singh, Junior Assistant and Rajwinder Singh, Senior Assistant, while working in Accounts Branch of Water Supply & Sanitation Division, Malout had manipulated salary bills of the employees and G.P.Fund during the period in question i.e. October, 2013 to February, 2016 and had, thus, embezzled an amount of Rs.1.33 crores approximately, which was deposited in the 3 bank accounts of Sandeep Singh.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the FIR, it is co-accused Sandeep Singh in whose personal accounts the entire amount of Rs.1.33 crores had been deposited. It has been submitted that the petitioner has been roped in as an accused solely on account of the fact that he was working as Senior Assistant at the time when the alleged embezzlement had taken place and on the premises that he was supposed to check the bills before the same were forwarded to the District Accounts Officer (DAO) and further on to the Drawing & Disbursing Officer. It has further been submitted that the petitioner has not benefitted in any manner and had been performing his duties diligently and it could have been on account of inadvertence only that the alleged fraud did not come to his notice.
4. Opposing the petition, learned State counsel has submitted that the fraud in question could not have been committed without the active connivance of the petitioner, who was supposed to verify all the bills before forwarding the same to the District Accounts Officer (DAO) and further on to the Drawing & Disbursing Officer. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 months and that he is not involved in any other case. It has also been informed that while challan has been presented, but charges are yet to be framed and as many as 35 PWs have been cited.
5. This Court has considered rival submissions.
6. Without commenting anything as regards the merits of the case, but while noticing that as per the FIR, the petitioner is not stated to be the

beneficiary as the entire amount is stated to have been credited in the personal account of co-accused Sandeep Singh and that the petitioner otherwise has a clean record and has been behind bars for the last more than 4 months, further detention of the petitioner will not serve any useful purpose particularly when the trial has not even commenced till date. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.01.2023

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**