

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

**CRM-M No.20107 of 2023(O&M)
Date of Decision: 17.05.2023**

Dinesh Kumar Bansal

.....Petitioner

Vs

State of Punjab

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Sanjeev Soni, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J.

CRM No.22611 of 2023

For the reasons recorded in the application, the same is allowed. Additional documents are taken on record subject to all just exceptions.

Main case

[1]. The petitioner seeks grant of regular bail under Section

439 Cr.P.C in case bearing FIR No.12 dated 26.05.2022 registered under Sections 406, 420, 409, 465, 467, 468, 471, 120-B IPC (Section 201 IPC has been added subsequently) and Section 13(1)(A) read with Section 13(2) of the Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, Patiala, District Patiala.

[2]. Initially, the FIR was registered against 27 persons on the ground that various resolutions were passed by the officers of two Gram Panchayats Aakari and Sehri, whereas no work had been done on the spot for certain projects or incomplete work had been done for the rest of the work assignments.

[3]. During preliminary inquiry, investigating agency had verified the record of village Aakari and found some incriminating material against Sarpanch and members Panchayat. Investigating agency also found some role of Sarpanch and other members Panchayat including Panchayat Secretary in respect of village Sehri. During investigation, the scope of inquiry was enlarged, thereby including 3 additional villages. Initially, the challan was submitted against 15 persons. Petitioner is not a public servant. The allegation against him is that he is the proprietor of M/s Dinesh Kumar Bansal Contractor & M/s Falcon Enterprises and firm of the petitioner was involved in execution of work assignments. The petitioner had allegedly

carried out work of about Rs.52-54 crores in three villages, out of which, he alleged to have obtained about Rs.8-10 crores. He had allegedly paid share to number of persons including son of the Minister Madan Lal.

[4]. The petitioner was arrested on 30.01.2023. The challan has already been filed on 25.04.2023. The investigation of the case is complete. Co-accused Darshan Singh, Manjeet Singh, Swaran Kaur, Surjit Singh, Paras Mangla, Kuldeep Singh and Dharminder Kumar Singh have also been granted regular bail by this Court in different criminal miscellaneous petitions on the basis of their custody vide order dated 17.11.2022. Similarly co-accused Hakam Singh and Sukhwinder Singh in their respective criminal miscellaneous petitions have also been granted regular bail vide order dated 01.12.2022. Gagandeep Singh has been granted regular bail vide order dated 08.12.2022 passed in CRM-M No.55801 of 2022. Jugnu Kumar has been granted regular bail vide order 12.01.2022 passed in CRM-M No.57862 of 2022. Hardeep Singh has been granted regular bail vide order dated 16.01.2023 passed in CRM-M No.963 of 2023 and Avtar Singh has been granted regular bail vide order dated 08.12.2022 passed in CRM-M No.55298 of 2022. All these co-accused have been granted regular bail by the High Court on different dates after noticing the prosecution case that shamlat

land of village Pabra, Takhtu Majra, Akari, Sehra, Sehri, Blopck Shambhu, Tehsil Rajpura, District Patiala was acquired by PUDA. The land acquisition compensation was received by the concerned Gram Panchayat. 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.

[5]. As per 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.

[6]. Today, during course of arguments, learned counsel for the petitioner has submitted that cases of Madan Lal @ Madan Lal Jalalpur and Gagandeep Singh @ Jolly for grant of anticipatory bail are pending in the High Court with interim relief. Other accused have also been granted regular bail by the trial Court i.e. Inderjeet Singh Gill, Sukhwinder Gir, Varun Singla, Munish Kumar Bansal, Inderjeet Gir.

[7]. The references of the aforesaid accused having been

released on regular bail have been admitted by the learned State counsel during course of arguments. The bails have been granted on 08.05.2023 by the Special Judge, Patiala.

[8]. Learned counsel for the petitioner with reference to the status report filed by way of affidavit of Satpal Sharma, PPS, Deputy Superintendent of Police, Vigilance Bureau, Patiala Range, Patiala submitted that in case of the petitioner, the alleged amount is shown to be Rs.1,07,00,000/-+1,16,00,000/-, which has been transferred in the firm of the petitioner, whereas in case of Munish Bansal, the amount is Rs.1,84,00,000/-, in case of Varun Singla, the amount is Rs.2,82,34,910/-. The aforesaid persons have been granted regular bail. Rozi Bansal has not been arrested in whose account an amount of Rs.28,70,000/- has been transferred. Similarly, Minakshi Bansal has not been arrested in whose account an amount of Rs.12,48,000/- is shown to have been transferred.

[9]. The factual position of the case has not been disputed by the learned State counsel, however, he opposed the bail on the ground that the petitioner is the main accused.

[10]. Having heard learned counsel for the parties, I find that the petitioner is not a public servant. The petitioner was arrested on 30.01.2023. The challan has already been filed. Co-accused have been granted regular bail vide different orders by the High

Court as well as Special Judge, Patiala. Even some of the accused are on interim anticipatory bail.

[11]. In the facts and circumstances of the case, I find that no further investigation is required qua the petitioner, who is in judicial custody.

[12]. In view of above, without meaning anything on merits of the case, I deem it appropriate to grant regular bail to the petitioner on his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

[13]. Nothing expressed hereinabove, shall be construed to be an opinion on merits of the case.

17.05.2023
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(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No