

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

(1) **CRM-M-28374-2022 (O&M)**

Ranjodh Singh	Versus	...Petitioner
State of Punjab and another		...Respondents

(2) **CRM-M-31975-2022 (O&M)**

Lalit Kumar Goyal	Versus	...Petitioner
State of Punjab		...Respondent

Date of Decision : 13.1.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Puneet Sharma, Advocate,
for petitioner in CRM-M-28374-2022.

Mr. P.S. Ahluwalia, Advocate
for the petitioner in CRM-M-31975-2022.

Mr. Siddharth Attri, AAG, Punjab,
assisted by Inspector Renu.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Ranjodh Singh and Lalit Kumar Goyal seeking grant of anticipatory bail in a case registered against them vide FIR No. 10 dated 25.5.2022 under Sections 409, 201/120-B IPC and Section 13(1)(A) read with Section 13(2) of the Prevention of Corruption Act, 1988 (as amended

by Prevention of Corruption (Amendment) Act, 2018) at Police Station Vigilance Bureau, Patiala, District Patiala.

2. The allegations, in nutshell, are that Tarlochan Singh (non-applicant) had remained Sarpanch of Gram Panchayat, Kotla Suleman and during his tenure, the Gram Panchayat had received a compensation amount of Rs.4,18,00,000/- on account of acquisition of land vesting in Panchayat and some amount was also received from some other sources and thus, a total of Rs. 4,20,25,000/- was received. Tarlochan Singh had spent an amount of Rs.2,86,25,000/- on development work of the village. The remaining amount of Rs.1,34,00,000/- was shown to have been spent by Ranjodh Singh, authorized Panch on account of development works. However, upon checking by Tarsem Lal, Executive Engineer, Panchayati Raj, PWD Jalandhar, it was found that financial loss to the tune of Rs.27,59,538/- had been caused by Ranjodh Singh, authorized Panch. The work executed during the tenure of Ranjodh Singh, authorized Panch was checked by Technical Team-I of Vigilance Bureau, Punjab and as per the final assessment, misappropriation of an amount of Rs. 20,67,068/- was found to have been committed by Ranjodh Singh, authorized Panch, Lokesh Thaman, J.E. Pavittar Singh, Panchayat Secretary etc. It is alleged that the Gram Panchayat was required to seek technical approval prior to getting development work done but the same had not been taken by Ranjodh Singh Lokesh Thaman, J.E. and Pavittar Singh, Panchayat Secretary. It is also alleged that the Lalit Kumar Goyal, who was previously posted as J.E. had not produced the Measurement Book though he had been asked for the same

repeatedly and it was found that his successor i.e. Lokesh Thaman, J.E. had started a new Measurement Book in connivance with Ranjodh Singh.

3. The learned counsel representing the petitioner - Lalit Kumar Goyal, Junior Engineer submitted that the allegations of misappropriation/ embezzlement pertained to the period 5.1.2018 to 13.7.2018 when Ranjodh Singh had been authorized to look after the affairs of the Panchayat as the Sarpanch Tarlochan Singh had gone abroad. It has been submitted that during the said period, the petitioner Lalit Kumar Goyal, J.E. was not even posted in the said place as he had been transferred from Sirhind to Dera Bassi on 10.7.2017 and thereafter from Dera Bassi to Majri vide order dated 22.6.2018. The learned counsel has submitted that the only allegation against the petitioner is that he had not handed over the Measurement Book despite having been asked for the same by Vigilance Bureau officials whereas the petitioner, upon his transfer in July, 2017 had relinquished the charge and had handed over the entire record to his successor and that no such complaint was ever made by his successor regarding the petitioner not having handed over any document/ Measurement Book etc. and nor any document/record/ledger was ever sought from him all these years which could indicate that the petitioner had not handed over such Measurement Book.
4. The learned counsel has submitted that in any case, there is no allegation pertaining to any embezzlement/misappropriation in respect of the period when the petitioner was posted at Sirhind and even if it is admitted that the measurement book had not been handed over by the petitioner, the measurements can always be taken subsequently also, particularly as regards

the work executed and that the omission to hand over the measurement book, without there being anything to suggest that the petitioner had misappropriated or embezzled any amount will not constitute any criminal offence and at best would attract departmental proceedings.

5. The learned counsel representing the petitioner - Ranjodh Singh has submitted that the petitioner has falsely been implicated on account of party faction in the village. The learned counsel has submitted that the falsity of allegations would be evident from the fact that while as per the report of Executive Engineer (PWD), Jalandhar, an amount of Rs.27,59,538/- was alleged to have been embezzled, the Technical Team-I of Vigilance assessed the said amount as Rs. 20,67,068/- and that in an yet another Inquiry Report dated 6.12.2021 (Annexure P-3) conducted by a retired IAS Officer under orders of the Governor of Punjab, the loss is stated to be to the tune of Rs.18,66,646/-. The learned counsel has submitted that even if any loss is stated to have been suffered by Gram Panchayat, the same *ipso facto* cannot be construed to mean that the petitioner Ranjodh Singh had embezzled the said amount and that admittedly the petitioner was authorized to work as acting Sarpanch in the absence of the regular Sarpanch when the regular Sarpanch had gone abroad and that it was for the technical experts i.e. the Junior Engineers to have advised the petitioner properly with regard to the manner in which the work was to be executed efficiently. The learned counsel has submitted that in any case since Tarlochan Singh during whose tenure a substantial amount had been spent has already been granted bail by this Court, the petitioner also deserves the same concession on grounds of parity.

6. The learned State counsel has, however, opposed the petitions and has submitted that even though the petitioner Lalit Kumar Goyal, Junior Engineer had remained posted at Sirhind prior to 10.4.2017, but the very fact that he did not produce the Measurement Books clearly shows that he intentionally withheld vital information so as to conceal the factum of commission of offences and as such, his complicity is clearly evident and would attract an offence under Section 201 IPC, apart from other offences. The learned State counsel, while opposing the petition on behalf of Ranjodh Singh has submitted that since three different inquiry reports clearly point out towards embezzlement of an amount more than Rs. 18 lacs, the said fact stands fully substantiated. It has further been submitted that since the prescribed procedure had not been adopted and requisite permission had not been taken before starting the development work, his involvement is clearly evident.
7. This Court has considered the rival submissions.
8. As far as the alleged involvement of petitioner-Lalit Kumar Goyal, Junior Engineer is concerned, admittedly he was not posted during the period 5.1.2018 to 13.7.2018 when the embezzlement had allegedly taken place. The main allegation against him is to the effect that he had not furnished the Measurement Book despite having been asked for the same. It is worth mentioning that the petitioner Lalit Kumar Goyal was transferred out of Sirhind vide transfer order dated 10.7.2017. Any government official, upon his transfer and relinquishment of charge is required to hand over the charge to his successor, which would include all the record as well. In the present case, there is no complaint of any sort from 2017 onwards by his successor

or by any superior officer to the effect that he had not handed over the measurement book. In these circumstances, it will be debatable as to whether the petitioner Lalit Kumar Goyal at the time of relinquishment of charge had indeed not handed over the measurement book to his successor. As such, the petitioner Lalit Kumar Goyal deserves the concession of anticipatory bail. The petition on his behalf merits acceptance.

9. As regards petitioner - Ranjodh Singh, it is no doubt correct that it is during the period when he was officiating as Sarpanch that embezzlement of more than Rs. 18 lacs is stated to have taken place out of the amount of Rs.1,34,00,000/-, which was spent. The question as to whether the said excessive amount was embezzled or was spent excessively on account of carelessness would be debatable. It also needs to be mentioned that though the residents of the village had levelled allegations against the petitioner Ranjodh Singh to the effect that he had got constructed a road upto the motor room of the fields of the petitioner but there is nothing to this effect in the reply filed by the State. In any case the entire matter is based on documentary evidence/in the nature of official record, which would be with the authorities concerned. As such, having regard to the facts and circumstances of the case, the petitioner Ranjodh Singh also deserves the concession of anticipatory bail.

10. Both the petitions, as such, are accepted that the petitioners Ranjodh Singh and Lalit Kumar Goyal in the event of their arrest shall be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with

the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

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

13.1.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No