

CRM-M-31582-2023 (O & M)

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

CRM-M-31582-2023 (O & M)

Date of decision: 01.08.2023

Gurjeet Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harpreet Singh Jakhal, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.58 dated 19.04.2022 under Sections 420, 465, 467, 468, 471, 120-B and 201 IPC registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The present FIR came to be registered on a complaint from the office of the Additional Deputy Commissioner-cum-Additional District Programme Co-ordinator (MGNREGA) by the District Social Audit Co-ordinator (MGNREGA) to the effect that under the MGNREGA scheme, some works regarding labour and material were got done and a complaint had been made by the villagers of Balamgarh regarding the irregularities done in the said work by the concerned officials. In this regard, an enquiry

had been conducted by the Block Development and Panchayat Officer, Sri

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Muktsar Sahib and as per his enquiry report, the Gram Rozgar Sewak had the primary responsibility of marking presence of labourers and conducting verification of bank accounts for payments of work. However, the Gram Rozgar Sewak had not conducted their duties properly and had misled their higher officers due to which there was a loss of Rs.1,16,602/- of Government money. As per the enquiry report, Charanjeet Singh, Gram Rozgar Sewak Assistant (since granted bail vide order dated 27.07.2023 passed in CRM-M-32201-2023) was responsible for the embezzlement and the said amount had been disbursed into the accounts of different persons. A prayer was made that action be taken against the accused.

Based on the aforementioned allegations, the FIR was registered against Charanjeet Singh, Gram Rozgar Sewak and one Gurmeet Kaur, Sarpanch of village Balamgarh.

On the basis of the FIR and the enquiry report of the Block Development Officer, Sri Muktsar Sahib, a detailed enquiry was conducted by the SIT and while nominating other persons as accused, it was found that the petitioner-Gurjeet Singh was acquainted with Charanjeet Singh (since granted bail vide order dated 27.07.2023) and had received an amount of Rs.66,877/- in his account which had been withdrawn. It was also found in the enquiry that the petitioner did not have a Job Card issued under the MGNREGA scheme. He had not worked under the said scheme in any village. Despite the said fact, the amount was received in his account.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. As the petitioner was in custody 12.03.2023, the co-accused, namely, Charanjeet Singh,

Ramandeep Singh and Amanpreet Kaur had been granted the concession of

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regular bail by this Court vide order dated 27.07.2023 passed in CRM-M-32201-2023, CRM-M-22341-2023 and CRM-M-23815-2023 and none of the 18 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. The learned counsel for the respondent-State, on the other hand, contends that all the accused had defalcated a huge amount of Rs.17,82,736/-. The serious nature of the allegations did not entitle the petitioner to the grant of bail. He, however, admits the period of custody undergone by the petitioner as also the fact that he was first-time offender and none of the 18 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be established during the course of trial. The petitioner has been in custody since 12.03.2023. The investigation stands completed. However, none of the 18 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. He is also stated to be a first-time offender. In this situation, his further incarceration is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Gurjeet Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime/case other than the

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9. The petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

August 01, 2023
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No