

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

Date of decision: 27.07.2023

(1) CRM-M-32201-2023 (O & M)

Charanjeet Singh

.... Petitioner

V/s

State of Punjab

...Respondent

(2) CRM-M-22341-2023 (O & M)

Ramandeep Singh

.... Petitioner

V/s

State of Punjab

...Respondent

(3) CRM-M-23815-2023 (O & M)

Amanpreet Kaur

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Gurpal Singh Sandhu, Advocate,
(in CRM-M-32201-2023 and CRM-M-23815-2023).
Mr.Gurinder Singh Hayer, Advocate,
(in CRM-M-22341-2023) and
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of three criminal miscellaneous petitions i.e. CRM-M-32201-2023, CRM-M-22341-2023 and CRM-M-23815-2023 as they arise out of the same FIR.

For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-22341-2023.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail to the petitioners- Charanjeet Singh, Ramandeep Singh and Amanpreet Kaur in case FIR No.058 dated 19.04.2022 under Sections 409, 420, 465, 467, 468, 471 and 120-B IPC as well as Section 201 IPC (as mentioned in the head note of petition bearing CRM-M-22341-2023) registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

3. 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 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 (petitioner 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 (petitioner in CRM-M-32201-2023) 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 constituted under the orders of SSP, Sri Muktsar Sahib. During investigation by the SIT, the statements of a number of persons including one Ramandeep Singh (petitioner in CRM-M-22341-2023) was recorded. Ramandeep Singh stated that he was known to accused Charanjeet Singh and the said Charanjeet Singh had transferred an amount of Rs.37,742/- (under the Job Card No.562 of one Pal Singh and Job Card No.641 of one Lal Chand) in his (Ramandeep Singh's) saving bank account No.35302589005 maintained at State Bank of India Branch Rupana. Ramandeep Singh had also transferred an amount of Rs.3,01,310/- (under the Job Card No.565 of one lady Sukhdev Kaur and Job Card No.638 of Balkaran Singh) in saving account No.01762121014814 maintained by him (Ramandeep Singh) at Oriental Bank of Commerce, Branch Rupana under the MGNREGA scheme. Ramandeep Singh had not worked under the MGNREGA scheme but even then the above referred amounts had been transferred in his accounts by Charanjeet Singh in connivance with each other to grab the same illegally. Therefore, Ramandeep Singh was nominated as an accused. As per the report of the SIT, accused-Gurmeet

Kaur wife of Bohar Singh, Sarpanch of village Balamgarh in connivance with the aforesaid accused had defalcated a total amount of Rs.17,82,736/-.

Amanpreet Kaur (petitioner in CRM-M-23815-2023) and her husband Jagmeet Singh had received an amount of Rs.1,35,598/- and Rs.1,82,749/- in their respective accounts which they withdrew and handed over to their relative Charanjeet Singh (petitioner in CRM-M-32201-2023).

4. The learned counsel for the petitioner-Ramandeep Singh (in CRM-M-22341-2023) contends that the petitioner had been falsely implicated in the present case. The allegations levelled against him were baseless. As per the prosecution case, a sum of Rs.37,742/- had been received in his account for which he had done the work of filling of the earth with his tractor-trolley. As he was in custody since 02.03.2023 and none of the 18 prosecution witnesses had been examined so far, he was entitled to concession of bail, moreso, as he was a first-time offender.

5. The learned counsel for the petitioner-Charanjeet (in CRM-M-32201-2023) contends that the petitioner had been implicated on account of being a relative of the co-accused. As per the enquiry report, no money had been transferred in his account or withdrawn by him. He had also not signed any document. As the petitioner was in custody since 01.03.2023, he was entitled to the concession of bail, moreso, as he was a first-time offender.

6. The learned counsel for the petitioner Amanpreet Kaur (in CRM-M-23815-2023) contends that that even as per the prosecution case, she alongwith her husband-Jagmeet Singh had received amount in their respective bank accounts which they withdrew and handed over to a co-accused Charanjeet Singh. Therefore, at best, it could be held that there had

03.04.2023, she was entitled to the concession of bail, moreso, as she was a first-time offender.

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

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

9. The veracity of the prosecution case against the petitioners shall be established during the course of trial. The petitioners have been in custody since March/April, 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. They are also stated to be first-time offenders. In this situation, their further incarceration is not required.

10. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioners, namely, Charanjeet Singh (in CRM-M-32201-2023), Ramandeep Singh (in CRM-M-22341-2023) and Amanpreet Kaur (in CRM-M-23815-2023), are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioners 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 they are not involved in any crime/case other than

10. The petitioners-Charanjeet Singh, Ramandeep Singh and Amanpreet Kaur (or through someone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each 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 petitioners from Trial without sufficient cause.

(JASJIT SINGH BEDI)

JUDGE

July 27, 2023

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No