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

CRM-M-35236-2023 (O & M)

Date of decision: 02.11.2023

Bohar Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.K. Girdhar, Advocate,
with Mr. Chirag Girdhar, Advocate,
for the petitioner(s).

Ms. Ramta K Chaudhary, DAG, 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-Bohar Singh in case FIR No.058 dated 19.04.2022 under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Sadar Sri Muktsar Sahib.

2. The brief facts of the case are that the FIR in question was registered against three accused namely (1) Gurmeet Kaur wife of Bohar Singh (2) Rajinder Singh (since granted bail vide order dated 21.08.2023 passed in CRM-M-39597-2023), MGNREGA Mate and (3) Charanjit Singh (since granted bail vide order dated 27.07.2023 passed in CRM-M-32201-2023), Gram Rozgar Sewak on the basis of letter No.1745 dated 08.02.2022 of the District Social Audit Coordinator, Sri Muktsar Sahib. The first allegation is that Gurmeet Kaur and Rajinder Singh along with Charanjit, Jaspal Singh and Sukhdev Singh received a total amount of Rs.1,16,206/- in

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second allegation pertains to as many as 13 accused who received amounts in the their bank accounts but had never worked under the MGNREGA scheme. After a detailed inquiry on the allegations, it was found that Gurmeet Kaur and Rajinder Singh along with their co-accused Charanjit Singh after hatching a criminal conspiracy had forged official record and cheated the Government of an amount of Rs.18,75,893/-.

3. During the investigation, the names of thirteen persons i.e. (1) Satwinder Singh son of Harmeet Singh (2) Parvir Kaur @ Parveen Kaur wife of Satwinder Singh (3) Gurjeet Singh (since granted bail vide order dated 01.08.2023 passed in CRM-M-31582-2023) son of Wazir Singh (4) Jassandeep Singh son of Harmeet Singh (5) Ramandeep Singh (since granted bail vide common order dated 27.07.2023 passed in CRM-M-22341-2023) son of Karnail Singh (6) Raj Kamal son of Gurdeep Singh (7) Sukhdev Singh son of Balvir Singh (8) Ajay Kumar son of Budh Ram (9) Jagmeet Singh (since granted bail vide order dated 08.08.2023 passed in CRM-M-37629-2023) son of Amarjeet Singh (10) Amanpreet Kaur (since granted bail vide a common order dated 27.07.2023 passed in CRM-M-23815-2023) wife of Jagmeet Singh (11) Harpreet Kaur daughter of Daleep Singh (12) Jaspal Singh son of Sher Singh and (13) Bohar Singh (petitioner) son of Jaspal Singh were nominated in the FIR in question. There are now seventeen accused in the FIR in question.

4. The learned counsel for the petitioner contends that the allegation as levelled against the petitioner to the effect that he being the husband of the Sarpanch-Gurmeet Kaur had received an amount of Rs.18,773/- in the account of his father Jaspal Singh is baseless. Be that as it

may, the said amount had already been refunded. As his co-accused,

namely, Rajinder Singh, Charanjeet Singh, Ramandeep Singh, Amanpreet Kaur, Gurjeet Singh and Jagmeet Singh had been granted the concession of bail, he was entitled to the same concession as he was in custody since 23.04.2023 and none of the 18 prosecution witnesses had been examined so far.

5. The learned counsel for the State, on the other hand, while referring to the reply dated 13.09.2023 contends that the petitioner is one of the main accused being the husband of the Sarpanch. The evidence on record clearly shows that an amount of Rs.18,773/- had been received in the account of Jaspal Singh, father of the petitioner and during the course of investigation, Jaspal Singh had stated that his account was being managed by the petitioner. Therefore, the petitioner was not entitled to the concession of bail. She, however, concedes that some of the co-accused of the petitioner have been granted the concession of bail, that he is in custody since 23.04.2023 and none of the 18 prosecution witnesses has been examined so far.

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

7. The veracity of the prosecution case against the petitioner shall be established during the course of trial. The petitioner has been in custody since 23.04.2023. 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 first-time offender. In this situation, his further incarceration is not required, moreso, when six co-accused, namely, Charanjeet Singh, Ramandeep Singh, Amanpreet Kaur, Gurjeet Singh,

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order dated 27.07.2023 in CRM-M Nos. 32201-2023, CRM-M-22341-2023, CRM-M-23815-2023, order dated 01.08.2023 in CRM-M-31582-2023, order dated 08.08.2023 in CRM-M-37629-2023 and order dated 21.08.2023 in CRM-M-39597-2023.

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

9. 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 present one.

10. The petitioner-Rajinder Singh (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)

November 02, 2023
sukhpreet

JUDGE

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