

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40464-2022 (O&M)
Date of Decision:-22.2.2023

Sukhninder Singh Brar ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. G.K. Mann, Senior Advocate with
Mr. Umaid S. Mann, Advocate,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks quashing of FIR No.14, dated 17.9.2021 registered at Police Station Vigilance Bureau Bathinda, District Bathinda, under Sections 13(1) A, 13(2) of Prevention of Corruption Act, 1988 as amended by PC (Amendment Act), 2018 and Section 409 of Indian Penal Code.
2. Learned counsel for the petitioner submits that the allegations pertain to embezzlement of panchayat funds allegedly embezzled during the period 2014-2017, whereas the petitioner had remained posted as Panchayat Secretary for a very brief period during the said period of 2014-2017. It has been submitted that as a matter of fact the petitioner was posted out in May 2014 and was posted back in October 2016. Learned counsel has submitted

that the amount in respect of the auctions, which had taken place when the petitioner remained posted as Panchayat Secretary, had been duly deposited in the account of Panchayat. Learned counsel, in this regard, has referred to the bank account statement of Panchayat annexed as Annexures P-2 and P-3.

3. This Court has considered the aforesaid submissions.
4. Since it has also been informed that challan already stands presented and the matter is now fixed before the Trial Court to consider the framing of charges, the instant petition is disposed of with liberty to the petitioner to raise all the pleas as have been raised herein before the Trial Court at appropriate stage including the pleas which have been notice above.
5. The Trial Court is directed to pass a speaking order while considering the question as regards framing of charges.

22.2.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No