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

CRM-M-39597-2023 (O & M)
Date of decision: 21.08.2023

Rajinder Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Gurinder Singh Hayer, Advocate,
for the petitioner(s).

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-Rajinder Singh 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 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 (petitioner), 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 (petitioner) along with Charanjit, Jaspal Singh and Sukhdev Singh received a total amount of Rs.1,16,206/- in their accounts out of the funds received under the

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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 son of Jaspal Singh were nominated in the FIR in question. There are now sixteen accused in the FIR in question.

4. The learned counsel for the petitioner contends that the allegations as levelled against the petitioner to the effect that he being the MGNREGA Mate had wrongly marked the presence of those persons who had never worked under the MGNREGA scheme, is baseless. As per the prosecution case, the petitioner was stated to have received a sum of

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Rs.32,660/- which he had already refunded. As his co-accused, namely, 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 21.05.2023 and none of the 18 prosecution witnesses had been examined so far.

5. The learned counsel for the State, on the other hand, contends that the petitioner-Rajinder Singh was one of the main accused. He was responsible for marking the presence of the persons who were supposed to have worked under the MGNREGA scheme. However, he wrongly marked the attendance of certain persons on the basis of which those persons received money thereby defrauding the Government. Therefore, the petitioner was not entitled to the concession of bail. He, however, concedes that some of the co-accused of the petitioner have been granted the concession of bail, that he is in custody since 21.05.2023 and none of the 18 prosecution witnesses have 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 21.05.2023. 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 five co-accused, namely, Charanjeet Singh, Ramandeep Singh and Amanpreet Kaur, Gurjeet Singh and Jagmeet Singh have been granted the similar relief vide order dated 27.07.2023 in CRM-M Nos. 32201-2023, CRM-M-22341-2023, CRM-M-

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23815-2023 (Annexure P-4), order dated 01.08.2023 in CRM-M-31582-2023 and order dated 08.08.2023 in CRM-M-37629-2023.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Rajinder 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)

JUDGE

August 21, 2023
sukhpreet

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