

CRM-M-46871-2023

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

**CRM-M-46871-2023
Date of Decision: 20.09.2023**

Sidharth Sohpal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Amit Dhawan, Advocate,
for the petitioner.

Mr. Sandeep, Additional Advocate General, Punjab.
for the respondent-State.

Mr. Pranav Handa, Advocate,
for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.43 dated 24.08.2023, registered under Section 409 of the Indian Penal Code, 1860, at Police Station Patara, District Jalandhar (Rural).

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally false and concocted. The case has been registered against the petitioner on the basis of report of the D.D.P.O, Jalandhar, which has not even been accepted by the Director, Rural Development and Panchayat Department, Punjab. Thereafter, the Director has sought clarification from the D.D.P.O. regarding the matter. However,

the report was never sent by the D.D.P.O. Instead, he got a fresh report from the Assistant Engineer concerned. As a result, Assistant Engineer concerned has sent the report exonerating the petitioner from any bungling in the case. The Assistant Engineer has duly confirmed that in his earlier report, he had made a mistake regarding pipes used in the works done by the petitioner. Therefore, he has clarified now that some of the PVC pipes, which though purchased by the Sarpanch/petitioner as reflected in the bills, were not used and those were lying at the house of the Ex-Sarpanch Kuljinder Singh. Even the allegation regarding the inter-locking tiles is not substantiated from the report of the Assistant Engineer concerned because he has clarified in the second report that some unused inter-locking tiles were still lying at the cremation ground, where they were to be laid. Hence, the case against the petitioner is totally baseless and the petitioner is to be protected against his arrest.

3. Notice of motion.

4. On the asking of the Court, Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State.

5. It is submitted by learned counsel for the State, being assisted by Mr. Pranav Handa, counsel for the complainant, who has put in appearance in this case, that the case against the petitioner has been registered at the instance of none other than the members of the same Gram Panchayat, which is headed by the petitioner as a Sarpanch. Therefore, the complainant knew the entire functioning of the petitioner very well. The

allegations levelled by the Panches are duly supported by the material available on record qua the purchase of the materials. However, neither the said material is shown to have been used nor any justification qua the purchase of the sale was reflected from the record. Therefore, the petitioner is directly involved in the case. Not only that, even the conduct of the Assistant Engineer concerned is doubtful. Even he may be required to be investigated in the matter to find out whether he is also colluding with the petitioner or not. This is so because the same Assistant Engineer has given the contradicting report regarding the same matter. In any case, the investigation is at the initial stage. Therefore, the petitioner does not deserve to be protected against his arrest.

6. In view of the facts and circumstances of the case, as well as, the submissions made by the State counsel and assisted by the counsel for the complainant, this Court does not find it appropriate to interfere in the matter, so as to grant concession of anticipatory bail to the petitioner.

7. Dismissed.

(RAJBIR SEHRAWAT)
JUDGE

20.09.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No