

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

CRM-M-52112-2022 (O&M)
Date of Decision:-3.5.2023

Amritpal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Paul Batra, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
26	1.2.2022	City Lambi, District Sri Muktsar Sahib	420, 465, 467, 468, 471, 120-B of Indian Penal Code and 13 of Prevention of Corruption Act.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of the aforementioned FIR.
2. The allegations, in nutshell, are that an amount to the tune of Rs.12,59,000/-, which was in the nature of government funds and was meant for payments under ‘The Mahatma Gandhi National Rural Employment Guarantee Act’ (MGNREGA) Scheme was embezzled by the Sarpanch, Panchayat Secretary, Computer Operator and others by way of showing employments of either

non-existing persons or in favour of the persons, who are otherwise not entitled to be given such employment. The petitioner was working as a computer operator when the said scam had taken place.

3. Learned counsel for the petitioner submits that the petitioner being a computer operator had no role to play in the employment or disbursement of the salaries to the persons employed under 'MGNREGA' scheme and was only supposed to maintain the record in computer. Learned counsel for the petitioner submits that, in any case, the petitioner in order to prove his *bonafidies*, is willing to deposit an amount of Rs.4 lakhs before the Trial Court.
4. Opposing the petition, learned State counsel has submitted that the petitioner was very much part and parcel of the scam inasmuch he had been maintaining false and fabricated record at the instance of his co-accused and, as such, does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 10 months. It has also been informed that although challan stands presented but charges are yet to be framed and as many as 13 PWs have been cited. It has further been informed that the petitioner is not involved in any other case.
5. This Court has considered the rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has been behind bars for a substantial period of more than 10 months and conclusion of trial is likely to consume time inasmuch none out of the cited 13 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is

allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7.
- The petitioner, as per his offer, shall deposit an amount of Rs.4 lakhs before the Trial Court/Illaqa Magistrate within a period of 4 weeks from today. Upon deposit of such amount, the Trial Court/Illaqa Magistrate shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the Court.

3.5.2023

(Gurvinder Singh Gill)

pankaj

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No