

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

CRM-M-55535-2022 (O&M)
Date of Decision:-24.1.2023

Sukhdev Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naresh Jain, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by Head Constable Hardeep Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.18, dated 21.9.2022, Police Station Vigilance Bureau, Amritsar, District Amritsar, under Sections 409, 120-B of Indian Penal Code and Sections 13(1)(a) read with Section 13(2) of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (amended Act), 2018.
2. The allegations, in nutshell, are that the petitioner had remained a Panchayat Secretary in Village Sathiyali during the period 2013-2018 and that Satnam Singh was the Sarpanch during the said period. It is alleged that the Director, Rural Development and Panchayat Department had ordered for recovery of Rs.3,48,039/- and another amount of Rs.16,60,563/- to be effected from Sarpanch Satnam Singh and Sukhdev Singh, Panchayat Secretary, who had embezzled the said amount. It is also alleged that the petitioner had not furnished the record pertaining to usage of the Panchayat funds.

3. Learned counsel for the petitioner submitted that the aforesaid allegations are against the record inasmuch as per order dated 17.2.2021 (Annexure P-15) the amount of Rs.3,48,039/- is shown to be recoverable from the Sarpanch Satnam Singh, who had been directed to deposit the same.
4. Learned counsel for the petitioner has next referred to order dated 23.6.2022 (Annexure P-16) as per which also the amount of Rs.16,60,563/- is shown to be recoverable from Sarpanch Satnam Singh.
5. Learned counsel for the petitioner has further submitted that the allegations pertaining to the petitioner not having furnished the record are also not borne out from record inasmuch the petitioner, who had been given charge of 6 villages had handed over the record in March 2017 when he was to retire on 31.3.2017 as is evident from Relinquishment Certificates (Annexures P-2 to P-7) and as such, he would not be having any domain over the record thereafter.
6. Opposing the petition, learned State counsel has submitted that since the petitioner had remained a Panchayat Secretary, who was to maintain the entire record with respect to the Panchayat funds, the embezzlement of such huge amount could not have been made by the Sarpanch alone and that the petitioner was apparently conniving with Sarpanch.
7. This Court has considered the rival submissions.
8. Having regard to the fact that the recovery had only been ordered to be effected against the Sarpanch and that the petitioner did not even have the domain over the record, which he is alleged to have retained since as a matter of fact he had handed over the same to his successor in March, 2017, just before his retirement, as is evident from Relinquishment Certificates

Annexures P-2 to P-7, the petition merits acceptance and is hereby accepted and it is ordered that the petitioner, in the event of his arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

24.1.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No