

**(234) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-60446-2023 (O & M)****Date of decision: 06.12.2023**

Sukhdev Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDIPresent: Mr.Gurpal Singh Sandhu, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner-Sukhdev Singh in case FIR No.058 dated 19.04.2022 under Sections 409, 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The present FIR came to be registered on a complaint from the office of the Additional Deputy Commissioner-cum-Additional District Programme Co-ordinator (MGNREGA) by the District Social Audit Co-ordinator (MGNREGA) to the effect that under the MGNREGA scheme, some works regarding labour and material were got done and a complaint had been made by the villagers of Balamgarh regarding the irregularities done in the said work by the concerned officials. In this regard, an enquiry had been conducted by the Block Development and Panchayat Officer, Sri Muktsar Sahib and as per his enquiry report, the Gram Rozgar Sewak had the primary responsibility of marking presence of labourers and conducting

verification of bank accounts for payments of work. However, the Gram

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Rozgar Sewak had not conducted their duties properly and had misled their higher officers due to which there was a loss of Rs.1,16,602/- of Government money. As per the enquiry report, Charanjeet Singh, Gram Rozgar Sewak Assistant (since granted bail vide a common order dated 27.07.2023, Annexure P-4) was responsible for the embezzlement and the said amount had been disbursed into the accounts of different persons. A prayer was made that action be taken against the accused.

Based on the aforementioned allegations, the FIR was registered against Charanjeet Singh, Gram Rozgar Sewak and one Gurmeet Kaur, Sarpanch of village Balamgarh.

On the basis of the FIR and the enquiry report of the Block Development Officer, Sri Muktsar Sahib, a detailed enquiry was conducted by the SIT constituted under the orders of SSP, Sri Muktsar Sahib. During investigation by the SIT, the statements of a number of persons including one Ramandeep Singh (since granted bail vide a common order dated 27.07.2023 in CRM-M-22341-2023, Annexure P-4) was recorded. Ramandeep Singh stated that he was known to accused Charanjeet Singh and the said Charanjeet Singh had transferred an amount of Rs.37,742/- (under the Job Card No.562 of one Pal Singh and Job Card No.641 of one Lal Chand) in his (Ramandeep Singh's) saving bank account No.35302589005 maintained at State Bank of India Branch Rupana. Ramandeep Singh had also transferred an amount of Rs.3,01,310/- (under the Job Card No.565 of one lady Sukhdev Kaur and Job Card No.638 of Balkaran Singh) in saving account No.01762121014814 maintained by him (Ramandeep Singh) at Oriental Bank of Commerce, Branch Rupana under the MGNREGA scheme. Ramandeep Singh had not worked under the

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transferred in his accounts by Charanjeet Singh in connivance with each other to grab the same illegally. Therefore, Ramandeep Singh was nominated as an accused. As per the report of the SIT, accused-Gurmeet Kaur wife of Bohar Singh, Sarpanch of village Balamgarh in connivance with the aforesaid accused had defalcated a total amount of Rs.17,82,736/-.

Amanpreet Kaur (since granted bail vide a common order dated 27.07.2023 in CRM-M-23815-2023, Annexure P-4) and her husband Jagmeet Singh had received an amount of Rs.1,35,598/- and Rs.1,82,749/- in their respective accounts which they withdrew and handed over to their relative Charanjeet Singh.

3. . The learned counsel for the petitioner contends that as per the allegations, the petitioner-Sukhdev Singh had received an amount of Rs.4,45,114/- in his bank account at the instance of Charanjeet Singh. The said amount had been withdrawn and given to Charanjeet Singh. He further contends that the said Charanjeet Singh had been granted the concession of bail by this Court vide order dated 27.07.2023 (Annexure P-4). As the petitioner was in custody since 14.08.2023, and none of the 18 prosecution witnesses had been examined so far, he was entitled to concession of bail, moreso, as he was a first-time offender.

4. The learned counsel for the respondent-State, on the other hand, contends that the petitioner alongwith his co-accused had defalcated a huge amount of Rs.17,82,736/-. The serious nature of the allegations did not entitle the petitioner to the grant of bail. He, however, admits the period of custody undergone by the petitioner as also the fact that he was a first-time offender and none of the 18 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

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6. The veracity of the prosecution case against the petitioner shall be established during the course of trial. The petitioner is in custody since 14.08.2023. 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 nearly all co-accused have been granted the similar relief .

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sukhdev Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. 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.

9. The petitioner (or anyone 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

December 06, 2023

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No