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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12378-2024 (O&M)
Date of Decision:- 06.08.2024

BALWINDER KAUR SARPANCH

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

In compliance of the last order, explanation by way of affidavit of Senior Superintendent of Police, Ferozepur dated 05.08.2024 has been received and perused. Same is accepted and ordered to be taken on record.

2. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
14	23.02.2024	409, 420 and 120-B IPC	Kulgari, District Ferozepur

3. Learned counsel for the petitioner has submitted that in compliance to the order dated 06.05.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the



petitioner may be confirmed.

4. Learned State counsel, on instructions from Inspector Gurmeet Singh has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor she is required for further investigation.

5. Heard.

6. During the course of hearing on 06.05.2024, the following order was passed:-

“ 2. It is inter alia submitted by learned counsel for the petitioner that the petitioner while working as Sarpanch of the village, a general house meeting was called by the Gram Panchayat and the resolution Annexure P-2 dated 10.04.2020 was passed.

3. Learned counsel for the petitioner submits that the said resolution was sent for approval to the competent authority/Block Development Panchayat Officer, Ghal Khurd, District Ferozepur who accorded the sanction vide letter Annexure P-4.

4. Learned counsel for the petitioner further submits that on the basis thereof the meeting of Gram Panchayat was convened vide Annexure P-5 on 23.06.2020 and thereafter vide resolution Annexure P-6 dated 30.06.2020 the shops were auctioned in accordance with law and bid money were deposited in the account.

5. Learned counsel for the petitioner further submits that the petitioner was earlier suspended but later, on her appeal, the Financial Commissioner while passing the order Annexure P-8 dated 21.12.2023 had reinstated her by observing that the auction money had been deposited in the account of the Gram Panchayat and that the requisite approval was given by the concerned BDPO.

6. Learned counsel for the petitioner submits that the petitioner has not committed any alleged crime.

7. The learned State counsel on instructions from S.I. Ravi Shankar, P.S. Kulgari informs that the petitioner has not mentioned about the auction of shops No.18, 19 and 22 and it is not mentioned as to whom the bid was granted and what was the auction amount.

8. When confronted with Annexure P-6 resolution dated



30.06.20220 wherein the details of auction pertaining to aforesaid shops is specifically mentioned, learned State counsel seeks some time for filing the affidavit of concerned Deputy Superintendent of Police with better particulars.

9. The additional affidavit be filed on or before 09.07.2024.

10. In the meanwhile, petitioner is directed to join the investigation within seven days from today and in the event of her arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

11. List on 09.07.2024.”

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 06.05.2024 passed by this Court, interim bail granted vide order dated 06.05.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.

(SANJIV BERRY)
JUDGE

06.08.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |