



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

**CRM-M-17145-2023 (O&M)
Date of decision: 06.08.2024**

Gagandeep Singh @ Jolly

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jaiveer Singh, Advocate for
Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.

Mr. D.S.Brar, Sr. D.A.G., Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.12 dated 26.05.2022 (P-1), under Sections 406, 420, 409, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (Section 201 IPC added later on); Section 13 (1) (A) read with Section 13(2) of the Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018, registered at Police Station Vigilance Bureau Patiala, District Patiala.

2024:PHHC:101025



(2) Above FIR was registered by complainant-Satpal Singh, DSP, Vigilance Bureau Range Patiala with the allegations that by showing fake development works of panchayat, Rs.6,66,47,036/- was embezzled by the office bearers of Gram Panchayat “Aakri” and Gram Panchayat “Sehri” in connivance with other co-accused.

(3) Learned Counsel contends that petitioner was granted interim bail by the then Coordinate Bench, vide order dated 12.04.2023 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required. Also contends that although, it is the objection of prosecution that some money is yet to be recovered; but that cannot be a ground to deny the pre-arrest bail.

(4) *Per contra*, learned State Counsel, on instructions, objected the prayer on the premise that certain amount is yet to be recovered.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by the then Coordinate Bench, vide order dated 12.04.2023 and the order reads as under:-

“Learned counsel for the petitioner relies upon pendency of CRM-M No.14983 of 2023 titled Madan Lal @ Madan Lal Jalalpur vs. State of Punjab to contend that the prosecution has admittedly changed its stand as regards the alleged payment of Rs.9,50,000/- in the account of the petitioner who happens to be son of the aforesaid co-accused Madan Lal. As per the stand of learned Public Prosecutor an amount of Rs.9,50,000/- was transferred in the account of the present petitioner but

2024:PHHC:101025



thereafter the prosecution has changed its version on the basis of statements of witnesses under Section 161 Cr.P.C. and alleged that the amount was paid in cash. The factual matrix of the case has been noticed to some extent in CRM-M No.14983 of 2023 in which notice of motion has already been issued for 19.05.2023.

Notice of motion returnable on 19.05.2023.

To be heard along with CRM-M No.14983 of 2023. In the meanwhile, the petitioner will appear before the Investigating Officer within 10 days from today and in the event of doing so, he shall be allowed to join the investigation to the satisfaction of Investigating Officer. In the event of his arrest, he shall be enlarged on interim bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Granting of interim protection shall not be construed to be an opinion on the merits of the case and would not create any equitable consideration at the time of deciding the petition on merits.”

(7) It is acknowledged by learned State Counsel on instructions that in pursuance of the aforesaid order, petitioner has already joined the investigation.

(8) The Investigating Officer was/is well empowered to verify the bank details of the petitioner or account(s) of Gram Panchayat and/or of any other person(s) acquainted with the facts of present case; but he (petitioner) cannot be denied the concession of pre-arrest bail on the flimsy ground that money which was allegedly mis-utilized, during January, 2021 to November, 2021, is yet to be recovered.

2024:PHHC:101025



(9) In view of the above, present petition is allowed; interim order dated 12.04.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(12) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

6th August, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes