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(222) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17582-2024 (O & M)
Date of decision: 08.05.2024

Gurmeet Kaur Petitioner
V/s
State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S. Hayer, Advocate,
for the petitioner(s).

Mr. Vinay Kumar Malhotra, DAG, 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-Gurmeet Kaur in case FIR No.58 dated 19.04.2022 under Sections 420, 465, 467, 468, 471, 120-B and 201 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



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verification of bank accounts for payments of work. However, the Gram 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, Anneuxre 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 Gurmeet Kaur (petitioner), Sarpanch of village Balamgarh. Thereafter, a number of persons came to be nominated as accused.

3. The learned counsel for the petitioner contends that the allegations against the petitioner are completely baseless. A sum of Rs.24,916/- had come into her account which she had refunded back into the MGNREGA account. A departmental enquiry had been initiated against her. She had been exonerated as the amount received by her had been re-deposited in the Axis Bank Account of MGNREGA. He contends that as she had been exonerated in the departmental enquiry, the FIR itself is not maintainable. Be that as it may as the petitioner was a first-time offender, in custody since 25.10.2023 but none of the 22 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, she was entitled to the concession of bail, moreso, as the case was triable by the Court of a Magistrate.

4. The learned counsel for the State, on the other hand, has filed a reply dated 08.05.2024 which is taken on record. While referring to the said



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reply, he contends that the petitioner was in fact, the Sarpanch and the main accused. She alongwith Charanjeet Singh and in connivance with others had defalcated a huge amount of money. Therefore, she was not entitled to the concession as prayed for. He, however, concedes that the petitioner was a first-time offender, in custody since 25.10.2023 and that none of the 22 prosecution witnesses had been examined so far.

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

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner and her co-accused shall be adjudicated during the course of the Trial. As many as 08 co-accused of the petitioner have been granted the concession of bail. Admittedly, the petitioner is a first-time offender, in custody since 25.10.2023 and none of the 22 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. The present case is, however, triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or



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influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

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

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that she is not involved in any other case/crime other than the present one.

10. In addition, the petitioner (or anyone on her 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.

11. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 08, 2024
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No