

CRM-M-22498-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22498-2024
Decided on: 10.05.2024

Mohinder Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Iqbal Singh Saggu, Advocate and
Mr. Tejveer Singh Saggu, Advocate for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	07.03.2024	Vigilance Bureau, Range Amritsar, District Amritsar	13(1)(A) r/w 13(2) of Prevention of Corruption Act 1988 and 409, 420, 201, 120B IPC

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 06.05.2024, State was asked to file reply and this Court had granted interim bail to the petitioner.
3. Petitioner’s counsel submits that he has joined the investigation and complied with the order dated 06.05.2024. Counsel further submits that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Counsel for the State has handed over the reply dated 09.05.2024, which is taken on record, and on instructions, does not dispute the above said contention but opposes the bail.



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5. Prosecution's case is being taken from reply dated 09.05.2024, which reads as under:-

"3. That the brief and relevant facts of the case are that the aforesaid FIR No. 11 dated 07.03.2024 has been registered against the present petitioner and other co-accused as per the direction from the office of the Chief Director, Vigilance Bureau, Punjab to the office of the Senior Superintendent of Police, Vigilance Bureau, Amritsar pursuant to a suggestion made by the then Deputy Superintendent of Police, Vigilance Bureau, Unit Tarn Taran vide detailed report after verifying the allegations of the complaint dated 16.05.2017 filed by Subeg Singh son of Chanan Singh resident of village Benka, Tehsil Patti, District Tarn Taran, in the office of Chief Director, Vigilance Bureau, Punjab, by conducting Vigilance Inquiry No. 36 of 2017- Tarn Taran. The complainant Subeg Singh had alleged in his aforesaid complaint that co-accused Gurmej Singh (Ex-Sarpanch), Gurbir Singh (Member Panchayat), Jawala Singh (at that time Sarpanch of the village Benka, Block Bhikiwind, District Tarn Taran) had committed large scale misappropriations/embezzlements in the funds/grants of the Gram Panchayat Benka by preparing false documents and destroyed the Panchayat record and illegally occupied the land of the Gram Panchayat, Benka.

4. That in his aforesaid report, then Deputy Superintendent of Police, Vigilance Bureau, Unit Tarn Taran had reported that after recording the statements of the complainant, suspects and other material witnesses and examining the record/documents during the aforesaid Vigilance Enquiry, it was found that co-accused Gurmej Singh (Ex- Sarpanch), Mohinder Kaur (Member Panchayat) (present petitioner), Lakhwinder Kaur (Member Panchayat), from the year 2008 to 2013 and Jawala Singh (Ex. Sarpanch), Gurmej Singh (Ex- Sarpanch), Lakhwinder Kaur (Member Panchayat), Gurbir Singh (Member Panchayat), Gurbaz Singh (Panchayat Secretary of Gram Panchayat Benka), Sawinder Singh (Now deceased) (Panchayat Secretary), from the year 2013 to 2018 have committed misappropriation/embezzlement to the tune of Rs. 1,66,95,153/- in connivance with each other by misusing their official powers from the total amount of Rs. 2,16,97,000/- received as grants for the development works of the village Benka, Block Bhikiwind, District Tarn Taran and Rs. 35,55,000/- received under the Indra Avas Yogna (I.A.Y) Scheme. Thus, they being public servants had caused wrongful loss to the tune of Rs. 1,66,95,153/- to the State Exchequer. It was further reported that the co-accused Gurmej Singh (Ex- Sarpanch) and Harjit Singh @ Babbi being Sarpanch of village Boor Chand, District Tarn Taran as witness, and co-accused Jawala Singh (since deceased) (Ex-Sarpanch) along with co-accused Kabal Singh resident of village Benka, District Tarn Taran, destroyed the officials record during their tenures by conspiring together



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and then lodged false reports in the Police Station regarding the misplacement of the official records. He suggested for the registration of FIR and investigation of the case against all the aforesaid co-accused including the present petitioner.

5. That in the meantime, co-accused Gurbaz Singh (Panchayat Secretary) filed a representation dated 26.07.2021 in the office of the Chief Director, Vigilance Bureau, Punjab for a fair enquiry in the matter and to examine his role thoroughly before proceeding further in the case claiming that he was being wrongly involved in the matter. The aforesaid representation was forwarded to the office of the Senior Superintendent of Police, Vigilance Bureau, Amritsar vide Memo No. 11040/VB/AS-8 dated 21.04.2022 for the comments and clarification of the role of all the suspects involved in the case.

6. That the then Deputy Superintendent of Police, Vigilance Bureau, Unit Tarn Taran submitted a detailed Comments Report dated 20.10.2023 in the office of the Chief Director, Vigilance Bureau, Punjab through the office of the Senior Superintendent of Police, Vigilance Bureau, Amritsar vide Memo No. 9876/Reader dated 07.11.2023 reporting therein that Gurbaz Singh (Panchayat Secretary) could provide the record relating to the expenditure of Rs. 57,92,119/- out of the amount of Rs. 76,23,516/- received as grants by the Gram Panchayat of village Benka, Block Bhikiwind, District Tarn Taran for the various development works during his tenure as Panchayat Secretary but failed to provide the relevant record relating to the expenditure of Rs. 18,31,397/- on the development works carried out by the aforesaid Gram Panchayat and suggested for the registration of the FIR and investigation of the case against him and other co-accused namely Gurmej Singh, (Ex-Sarpanch), Mohinder Kaur (Member Panchayat) (present petitioner), Lakhwinder Kaur (Member Panchayat), Jawala Singh, (Ex. Sarpanch), Harjit Singh (Ex. Sarpanch) of village Boor Chand, Nirwair Singh, Gurbir Singh and Kabal Singh. Accordingly, FIR No. 11 dated 07.03.2024 under sections under sections 13 (1)(a) and 13 (2) of the Prevention of Corruption Act, 1988 read with sections 409, 420, 201 & 120-B IPC was registered at the Police Station Vigilance Bureau, Range Amritsar with the approval of the office of the Chief Director, Vigilance Bureau, Punjab vide Memo No. 7909/VB/S-8 dated 28.02.2024.

7. That after the registration of the aforesaid FIR, an investigation in the case was initiated by Inspector Sharanjit Singh, Vigilance Bureau, Unit Tarn Taran, who arrested the co-accused Nirvail Singh, Gurbir Singh, Kabal Singh, Jawala Singh and Gurmej Singh on 07.03.2024 during the course of investigation.

8. That this Hon'ble court was pleased to grant concession of pre-arrest bail to the co-accused Harjit Singh (Ex-Sarpanch of village Boor Chand, District Tarn Taran) vide order dated 15.04.2024 and the co-accused Gurbaz Singh, Panchayat Secretary have been granted concession of an interim pre-arrest bail by this Hon'ble court vide order dated 08.04.2024.



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Role of the petitioner

9. That during the investigation so far, it has been found that the petitioner being a Member Panchayat of Gram Panchayat Benka from 2008 to 2013 had conspired and connived with the co-accused Gurmej Singh (Ex-Sarpanch), Jawala Singh (Ex. Sarpanch), Gurbir Singh (Member Panchayat), Lakhwinder Kaur (Member Panchayat), Sawinder Singh (Now deceased) (Panchayat Secretary) and Gurbaz Singh (Panchayat Secretary) had signed the resolutions of the Gram Panchayat Benka relating to the proposals and executions of various development works in the village and misappropriation/ embezzlement to the tune of Rs. 1,66,95,153/- was committed by all of them by misusing their official powers from the total amount of Rs. 2,16,97,000/- received as grants for the development works of the village Benka, Block Bhikiwind, District Tarn Taran and Rs. 35,55,000/- received under the Indra Avas Yagna Scheme. Thus, the petitioner and other co-accused being public servants had caused wrongful loss to the tune of Rs. 1,66,95,153/- to the State Exchequer.

10. That the present petitioner has joined the investigation and furnished the bail and surety bonds to the satisfaction of the deponent as per the directions of this Hon'ble court on 09.05.2024 in compliance with the order dated 06.05.2024."

6. I have heard counsel for the parties and gone through the petition.

7. In the entirety of facts and circumstances of the case that petitioner only signed the resolution passed by the Gram Panchayat, nothing else as per reply, the petitioner, who is a woman and 77 years of age, makes out a case for anticipatory bail and it is neither a case of custodial investigation nor pre-trial incarceration.

8. Given above, petition is allowed and interim order dated 06.05.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

10.05.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.