



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

**CRM-M-30023-2024 (O&M)  
Date of decision: 06.08.2024**

Sukhchain Singh and another

...Petitioners

*Versus*

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Khushika Setia, Advocate for the petitioners.

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

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**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 petitioners 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:101077



(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 petitioners were granted interim bail by the Coordinate Bench, vide order dated 14.06.2024 and in pursuance thereof, they have already joined the investigation; thus, their 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 petitioners were granted interim bail by the then Coordinate Bench, vide order dated 14.06.2024 and the order reads as under:-

*“The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.12, dated 26.05.2022 under Sections 406, 420, 409, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 and 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, Punjab.*

2024:PHHC:101077



*Learned counsel of the petitioners places reliance on the order dated 31.05.2024 passed in CRM-M-29012-2024 and CRM-M-14983-2023 to contend that the case of the petitioners is at par with the said cases wherein the petitioners have already been granted the concession of interim protection and the cases are now fixed for 03.07.2024.*

*Notice of motion.*

*Mr. Teevar Sharma, AAG, Punjab accepts notice and prays for some time to complete instructions and file response, if necessary.*

*Adjourned to 03.07.2024.*

*To be heard alongwith CRM-M-29012-2024.*

*In the meanwhile, the petitioners are directed to join investigation as and when so required by the Investigating Agency. In the event of the petitioners joining investigation, they shall be admitted to interim bail by the arresting officer/investigating officer on their furnishing bail/surety bonds to the satisfaction of the arresting officer/investigating officer. The petitioners will also abide by the conditions as specified under Section 438(2) Cr.P.C.”*

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

(8) The Investigating Officer was/is well empowered to verify the bank details of the petitioner(s) or account(s) of Gram Panchayat and/or of any other person(s) acquainted with the facts of present case; but they (petitioners) 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:101077



(9) In view of the above, present petition is allowed; interim order dated 14.06.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(10) It is also made clear that petitioners 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 petitioners, 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.

6<sup>th</sup> August, 2024  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | Yes |