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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.47753 of 2024
Date of decision: 04.10.2024

Gurpreet Singh Rana ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Rubal Pawar, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking benefit of pre-arrest bail in case arising out of FIR No.54 dated 14.08.2024 registered under Section 408 of IPC at Police Station Qadian, District Gurdaspur.
2. The adumbrated facts as emanating from the record are that on 17.01.2023 a written complaint filed by Gurpreet Singh, Block Development and Panchayat Officer, Qadian (For short "BDPO") against the petitioner had been received alleging therein that the petitioner who was posted as Computer Operator (e-Panchayat) at Block Qadian, had transferred Grant money received by the Government and credited to the

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accounts of different Gram Panchayats to his personal account and criminally misappropriated the same. It was alleged that an amount of Rs.48,13,792/- had been transferred by him to his personal account during the period from March 2021 to August 2022 and despite the fact that several letters had been issued by the office of BDPO to him, he had not given any clarification.

3. As per the further allegations, letter bearing No.2386 dated 14.09.2022 was sent to the G-Group Services through whom the petitioner had been appointed, to terminate his services and the same were terminated on 19.09.2022. It was also informed that a preliminary inquiry was conducted by Deputy Chief Executive Officer of District Council, Gurdaspur and it was confirmed that the aforementioned amount have been embezzled by the petitioner thereby causing financial loss to the Government as well as to the department. On receipt of this complaint, aforementioned FIR has been registered. Investigation proceedings are being initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurdaspur vide order dated 11.09.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Undisputedly, an amount of Rs.48,13,792/- was transferred in the personal bank account of the petitioner during the period from March 2021 to August 2022 and this

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amount was received as per the 15th Finance Commission Grant for the aforementioned period but the said amount of money was being transferred only for the purpose of distribution to the labourers. This amount was transferred in the names of Gram Panchayats and since the Gram Panchayats were headed by Sarpanches and the Panchayat Secretary and it was the Panchayat Secretary of each Panchayat who was overall incharge, they used to transfer the said amount to the bank account of the present petitioner for the purpose of using the same for labour charges. The amounts of money so deposited were debited from the bank account of the petitioner as per the asking of the Panchayat Secretaries for being paid to the labourers and entries were made to this effect. The amount of Rs.27,46,665/- was the amount of Grant received as per the 14th Finance Commission and qua the 15th Finance Commission Grant, only an amount of Rs.20,67,127/- was received. There are 83 Gram Panchayats in Qadian Block and Grants belonged to all these Panchayats. The Panchayat Secretaries used to put digital signatures and send OTP numbers for transferring of money in the bank account of petitioner. Some Sarpanches were also doing the same. However, none of them has been nominated as an accused.

5. It is further argued that the Sarpanches and Panchayat Secretaries used to have separate user names and passwords and used the same through digital signatures keys which remained with themselves only. The bank statements of the Gram Panchayats were checked by

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BDPO every month. The petitioner never had any cash in hand and the entire transactions of money were done through the bank accounts. He was not responsible for any wrong payment. He has been made a scapegoat. One of the Panchayat Secretaries namely, Rajwinder Singh has committed suicide. His custodial interrogation is not required. The subject offence is not made out against him. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed and he deserves to be extended benefit of pre arrest bail.

6. Status report has been filed by the respondent-State wherein it is submitted that an amount of Rs.37,36,885/- had been transferred from the bank accounts of 14 Gram Panchayats in the bank account of the petitioner who was a Computer Operator on different dates during the period from September 2021 till April 2022. This amount of money had been siphoned off by the petitioner by using the dongles (Software sticks) of the Sarpanches/Panchayat Secretaries, for transferring the aforementioned amounts. No satisfactory explanation has been furnished by him.

7. It is argued by learned State counsel that the petitioner had not been able to show that any amount of money had been paid to the labourers. His custodial interrogation is required for conducting proper and thorough investigation in the matter as well as for recovery of the aforementioned amount. The allegations against him are quite grave in

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nature as being entrusted with dongles/digital signatures of the Government officers for the purpose of facilitating transfer of the grant money to the bank accounts of the Sarpanches for payment of the said amount to the labourers, the petitioner who has having dominion over the same, misused the digital keys and committed criminal breach of trust being Clerk/Computer Operator of the office of BDPO. Therefore, it is urged that the petition does not deserve to be allowed.

8. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

9. The petitioner was an outsourced employee who was working as a Computer Operator under the complainant. As per the petitioner, transfers of Grant money had been made in his account as per the directions of his superiors including the complainant and infact they were the persons who were managing further transfers of the amount of money transferred in his bank account. An amount of Rs.37,36,885/- is alleged to have been siphoned off in this case. The investigation is at its nascent stage. Huge amount of Government money has been embezzled. For the purpose of conducting thorough investigation in the matter, for eliciting information about the manner in which the amount deposited in the bank account was withdrawn and manipulated and for the purpose of getting information about the manner in which the Government money had been withdrawn and used and as to who else was involved in the matter, the

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custodial interrogation of the petitioner is must. No extraordinary or exceptional circumstance has been made out entitling him to seek concession of pre arrest bail as a matter of right. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

10. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

04.10.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No