



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-4025-2025
DATE OF DECISION: 24.01.2025

BEANT KAUR

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.K. Dadwal, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (old section 438 Cr.P.C) grant of anticipatory bail in the FIR No. 93 dated 26.12.2024 [Annexure P-4] under section 420 IPC-1860 registered at Police Station Bakshiwala Patiala, District Patiala.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

'At this time, a letter number 535 dated 18.03.2024 from Baljit Kaur, Block Development and Panchayat Officer, Patiala, against Beant Kaur Sarpanch, resident of village Dadhera, has been received by post: "To Mrs. Beant Kaur Sarpanch, Gram Panchayat Dadhera Block, Patiala. Letter No. 560 S/Patwari Dated 16.02.2024, Subject:- Regarding non-deposit of due bid amount for Gram Panchayat land in Village Dadhera into the bank. Reference:- In relation to this letter No. 56 dated 05-01-2024. In relation to the above subject and the letter under reference It has been brought to the attention of the undersigned



that after checking the records of Gram Panchayat Dadhera, it has been found that the less amount of land bid for Shamlat Panchayat has been deposited as written 2019-20-100100/-, Year 2020-21 312100/-, Year 2021-22- 365200/- Year 2022-23- 195200/- Total amount= 972600/- total amount but they have not deposited the said amount till now nor has any written explanation been given to this office. In addition, by not depositing the bid amount of panchayat land, they are causing financial loss to the village panchayat and there is also a risk of misappropriation of this amount. Through this letter, you are again instructed that immediately after receiving the letter Within 4 days, the total outstanding amount should be deposited in the Gram Panchayat account with 18% interest as per above. In case of not doing so, action will be taken against you under Section 20 of the Punjab Panchayati Raj Act 1994 and a police case will be registered. Correct/-Baljit kaur Block Development and Panchayat Officer Patiala dated 16.02.2024, to District Magistrate, Patiala to Senior Captain Police, Patiala. Letter No. 535 dated 18.03.2024 Subject:- In relation to taking legal action for not depositing the bid amount of the land belonging to Gram Panchayat Dadhera in the bank. The above subject has been brought to the attention of the undersigned by BDPO. That it was brought to the attention of the undersigned in writing by the concerned Panchayat Secretary that Mrs. Beant Kaur Sarpanch of Gram Panchayat Dadhera was found on checking the record. It has been reported that the bid amount of the Panchayat land has been submitted less, the details of which are as follows: Year 2019-20-100100/-, Year 2020-21- 312100/- Year 2021-22- 365200/-, Year 2022-23-195200/- Total-972600/- The said amount In relation to this office to Mrs. Beant Kaur Sarpanch Gram Panchayat Dadhera through letter No. 718 dated 28/02/2024, letter No. 560 dated 16/02/2024, letter No. 56 dated 05/01/2024 to the Gram Panchayat account. Three notices were issued for non-deposit, after these notices dated by Mrs. Beant



Kaur Sarpanch. A written reply was submitted at this office on 22/02/2024 which is not satisfactory and neither has the amount been deposited in the Gram Panchayat account by Mrs. Beant Kaur Sarpanch Gram Panchayat Dadhera as per the said. It is said that Mrs. Beant Kaur Sarpanch Gram Panchayat Dadhera has embezzled this amount by not depositing it in the Gram Panchayat's account, due to which the Gram Panchayat is suffering a huge financial loss. Keeping the above situation in mind, Sarpanch Smt. Beant Kaur, Gram Panchayat Dadhera is written to issue immediate instructions to the Chief Police Officer, Patiala to take action regarding the embezzlement of Rs.972600/-. Correct/-District Magistrate Patiala, Police Station Bakshiwal District Patiala.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that the petitioner herself had informed the BDPO office for non-depositing of the balance auctioned amount for gram panchayat land by the successful bidders, in fact, it was the petitioner who time and again informed the department regarding illegality committed by the officials and the auction defaulters and instead of taking action against the real culprits and to save their own officials, the BDPO office, Patiala has levelled allegations of misappropriation of the money on the petitioner whereas petitioner has nothing to do with the auctioned amount.

He would further submit that the case put forth by the prosecution to the effect that some of the bidders have paid the amount in cash is also highly improbable whereas the amount has to deposit to the account of the gram panchayat and as a matter of abundant



precaution it needs to be deposited either through cheque or directly into the account of gram panchayat or demand draft or by any electronic mode and the procedure was well within the knowledge of all the bidders and it cannot be imagined that they deposited the payment in cash that too a large amount i.e. Rs. 9,72,000/- lakhs approximately.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail but has failed to provide any convincing evidence or material, especially, he could not show any statement that had been recorded by the investigating office or by the department despite the BDPO being the complainant against the petitioner.

4. **Analysis**

In light of the above circumstances there are serious doubts in the veracity of the complaint highlighting the role of the petitioner alone. Though this Court is sanguine of the fact that thorough investigation is required in the matter to reach a logical conclusion and to unearth the modus operandi in which the public money has been usurped by someone and interrogation of the petitioner would be material. In view of the undertaking given by petitioner through his counsel that she has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same, this Court finds no reason to deny the petitioner the concession of anticipatory bail.



5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to her joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

24.01.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>