IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-17087-2025
Date of decision: 03.04.2025

Jagwinder Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aakash Singla, Advocate
for the petitioner.

Mr. H.S. Deol, Sr. DAG, Punjab.

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MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.16 dated 16.06.2018 under Sections 409, 420, 465, 466, 468, 471, 120-B of the IPC and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Patiala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated and that no *prima facie* case is made out against him. It is submitted that the alleged misappropriation of Rs.5,72,000/- pertains to the period from August, 2013 to July, 2017, whereas the petitioner served as Panchayat Secretary of Gram Panchayat Ajnonda Khurd only from August, 2013 to July, 2015. Thereafter, he was promoted as Panchayat Officer and transferred from the said Gram Panchayat.

3. It is further argued that as per Section 16(1)(d) of the Punjab Panchayati Raj Act, 1994, the General Financial and Executive Administration of the Gram Panchayat is vested in the Sarpanch, and therefore, the petitioner cannot be held responsible for any alleged financial irregularities. The resolutions passed by the Gram Panchayat, including those dated 28.03.2014 and 16.10.2014, clearly indicate that payments were authorised by the Gram Panchayat in favour of the Sarpanch. The works undertaken were duly verified and forwarded by the Assistant Engineer, and the payments were made in accordance with these resolutions.

4. Learned counsel further asserts that he is already facing a departmental inquiry and has cooperated with both the investigating agency and the inquiry proceedings. Further, an inquiry report dated 20.08.2014, prepared by Dr. Ramesh Chander Nayyar, IAS (Retd.), recorded that the petitioner was responsible only for issuing cheques amounting to Rs.2,82,200/-, and even in this regard, his representation against the inquiry findings is pending before the competent authority.

5. It is lastly argued that there is no allegation of personal monetary gain or bribery against the petitioner and that the case has been registered due to political vendetta. The petitioner is a Government employee, has a permanent residence, and is not likely to abscond or tamper with the evidence. Thus, he be extended the concession of anticipatory bail.

6. On being put to notice, learned State counsel has filed reply by way of affidavit of Parminder Singh, PPS, Deputy

Superintendent of Police, Vigilance Bureau, Range Patiala, Patiala, in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

7. Learned State counsel has vehemently opposed the prayer by contending that the petitioner is the principal architect of the financial fraud committed in connivance with other co-accused, including Sarpanch Sukhwinder Kaur. It is submitted that Gram Panchayat Ajnonda Khurd received Government grants amounting to Rs.39,56,664/- for various development works between August, 2013 and July, 2017, and an additional revenue of Rs.1,67,66,685/- from the auction of *Shamlat* land between 2013 and 2018. The petitioner, while serving as Panchayat Secretary, actively facilitated the misappropriation of these funds.

8. Learned State counsel while drawing the attention of this Court to the affidavit which has been filed today, has further asserted that numerous transactions were carried out without any corresponding resolutions in the Panchayat proceedings register, including payments against fraudulent bills, such as bill No.504, dated 22.08.2013 (Rs.25,000/-), bill No.509 dated 24.08.2013 (Rs.25,000/-) and bill No.1015 dated 27.06.2015 (Rs.1,50,200/-), among others. It is further contended that certain bills were issued in favour of non-existent firms, including "Zimidara Tube Well Store and Sai Photo Frame", and that signatures on these bills were forged. Instead of making payments directly to vendors, cheques were deliberately issued in favour of co-accused Sarpanch Sukhwinder Kaur, facilitating the misappropriation

of funds.

9. Additionally, it has been submitted that the petitioner has a previous criminal antecedent, having been named as an accused in another case under the Prevention of Corruption Act. Although an untraced report was submitted in that case, it reflects upon his conduct.

10. Learned State counsel has argued that the investigation is at a crucial stage and that custodial interrogation of the petitioner is necessary for tracing the misappropriated amounts and identifying other persons involved. Given the position of the petitioner as a Government official, there is a likelihood of the petitioner tampering with evidence, which would seriously prejudice the ongoing investigation.

11. I have heard learned counsel for the parties and perused the relevant material on record.

12. It is evident that the allegations against the petitioner are of grave financial irregularities and fraudulent diversion of Government funds meant for rural development. The petitioner, in his capacity as Panchayat Secretary, was directly involved in issuing and countersigning cheques in favour of the Sarpanch, despite knowing that the bills were fabricated and that payments should have been made directly to vendors.

13. The contentions raised by the learned counsel for the petitioner regarding the limited tenure of the petitioner in the Gram Panchayat and reliance placed by him on resolutions, do not absolve him of his role in the alleged misappropriation. The record, *prima facie*, suggests the petitioner's active participation in fraudulent transactions.

The fact that the payments were made against non-existent firms and forged bills further aggravates the allegations against him. It is, therefore, evident that the allegations involve a large-scale misappropriation of public funds. The petitioner, as a Government official, was in a position of trust, which has been *prima facie* grossly abused. The complexity of the financial fraud necessitates custodial interrogation of the petitioner to unearth the entire conspiracy and trace out the misappropriated amounts. Granting anticipatory bail would impede the fair and uninhibited progress of the investigation.

14. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

15. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.04.2025 **(MANJARI NEHRU KAUL)**
Vinay **JUDGE**

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