



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

220

CRM-M-48358-2024

Date of decision: 28.04.2025

Ajitpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Akshay Chadha, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner, who is employed as a lineman with PSPCL, is seeking the concession of regular bail in FIR No.46 dated 06.05.2023 under Section 409 and 120-B of the IPC and Section 13(1) read with Section 13(2) of the Prevention of Corruption Act, 1988 as amended vide Prevention of Corruption (Amendment) Act, 2018 (added later on 23.10.2023), registered at Police Station Sadar Raikot, District Ludhiana (Rural).

2. The allegations pertain to the misappropriation of electrical goods drawn from the PSPCL store, Jagraon to the tune of approximately Rs.5.65 crores.

3. As per the allegations levelled in the FIR (Annexure P-1), the petitioner in connivance with co-accused Daljeet Singh (JE), Chhinderpal Singh (SDO), and others misappropriated materials after withdrawing them from the PSPCL store.



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4. Learned counsel for the petitioner has submitted that the petitioner is a mere lineman whose duties are limited to assisting the Junior Engineer in the field and preparing accounts under the directions of the JE. It has been further submitted that the petitioner neither had any authority to requisition nor receive goods from the store, and the entire stock was issued solely in the name of Daljeet Singh, JE. Further, during departmental proceedings, including the inquiry conducted by an eight member committee, it was concluded that the misappropriated articles were withdrawn and accounted for in the name of the co-accused Junior Engineer alone, and no responsibility or role was attributed to the petitioner. In support attention has been drawn to Annexure P-5.

5. It has still further been contended that the petitioner, upon receiving a letter dated 22.03.2023 (Annexure P-2) from the office of the Additional Superintending Engineer directing him to assist the JE in compiling accounts, acted in good faith and prepared the relevant details. However, the JE failed to submit the final accounts despite the petitioner's efforts and follow up representations dated 27.04.2023 and 04.05.2023 (Annexure P-3).

6. It is further argued that the relevant PSPCL Rules mandate that all material is issued only to the JE concerned, and it is audited semi-annually by designated officers. No discrepancy was noted for the years 2021-22, and the alleged fraud surfaced only when proceedings were initiated against the JE.

7. Learned counsel, therefore, prays that in the



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aforementioned facts and circumstances, moreso when the entire case of the prosecution hinges on documentary evidence, further incarceration of the petitioner, who has been in custody since 01.07.2024, would serve no useful purpose as only 05 prosecution witnesses out of the 50 have been examined so far.

8. *Per contra*, learned State counsel while reiterating the allegations levelled in the FIR in question, on instructions from DSP Jatinderjit Singh, has not disputed the entire that the case rests entirely on documentary evidence and that out of 50 prosecution witnesses, only 05 have been examined so far. The custody period of the petitioner has also not been disputed by the learned State counsel on instructions.

9. I have heard learned counsel for the parties and perused the material placed on record.

10. The case of the prosecution is based primarily on documentary evidence. The trial is unlikely to conclude in the near future as 45 prosecution witnesses still remain to be examined. As already observed earlier that since it is a case resting on documentary evidence, there can be no apprehension that the petitioner may tamper with evidence. In the facts and circumstances and keeping in view the custody period of the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

11. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed



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to be an expression of opinion on the merits of the case.

12. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

28.04.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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