



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

CRM-M No.56071 of 2024
Date of decision: 19th May, 2025

Jaswant Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Hundal, Senior Advocate with
Ms. Arshpreet Kaur & Mr. Jasjeet S. Brar,
Advocates for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State, assisted by ASI Satnam Singh.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of regular bail under Section 483 of BNSS in case bearing FIR No.117 dated 30.08.2023 under Section 409 IPC (Section 201 IPC and Section 13(2) of the Prevention of Corruption Act added later on) registered at Police Station Adampur, District Jalandhar (Rural), Punjab.

2. Learned senior counsel for the petitioner submits that the petitioner has been in custody since 05.08.2024 in a case which hinges entirely on documentary evidence. It has been asserted that since challan stands presented and charges framed, further incarceration of the petitioner would serve no useful purpose as there could be no apprehension of the petitioner tampering with evidence which is already part of the challan. It has been argued that no doubt, the petitioner was

indeed posted as MHC in the Police Station concerned, however, it is also pertinent to point out that the embezzled articles were all stored in open in the Police Station and hence, in case some of those articles went missing, the petitioner could not be held culpable for the same; furthermore, it is also a matter of record that the petitioner had handed over the charge of the case property (allegedly embezzled) to MHC Manohar Lal who in turn had handed it over to Constable Sarabjit Singh.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner, nor has he disputed the stage of trial. It has also not been controverted that the entire case of the prosecution against the petitioner hinges on documentary evidence, which is already part of the challan. However, learned State counsel has vehemently disputed the arguments advanced by the learned senior counsel for the petitioner with respect to the petitioner not being involved in alleged embezzlement. Learned State counsel has instead reiterated the allegations levelled in the FIR in question, which have been reproduced in the petition and read thus:

“Letter No. 329-5P dated 28.08.23, P.S. Adampur, District Jalandhar (Rural). Subject: Regarding embezzlement of case property by Ex-M.H.C., H.C. Jaswant Singh No. 1274, P.S. Adampur, District Jalandhar. Sir, With reference to above subject, it is submitted that the present M.H.C. Sarabjit Singh 839/JAL-R has brought it to my notice that Ex-M.H.C. P.S. Adampur PP/HC Jaswant Singh No. 1274 remained M.H.C. of the Police Station from 18.03.2020 to 25.03.2022 in the Police Station. He has neither handed

over the charge of the case properties to the present M.H.C. Sarabjit Singh 845/JAL-R nor to Ex-M.H.C. Manohar Lal 213/JAL-R. Different Courts are passing Orders for the production of case properties in different cases. H.C. Jaswant Singh No. 1274/JAL-R had been informed to produce the case properties which were in his charge. He has neither produced the case properties in the Courts nor he had given the charge of the same to M.H.C. Sarabjit Singh 845/JAL-R. Cases which are under trial are likely to be end in acquittal in case the case properties are not produced in the Courts. As per record of the present M.H.C. value of the below-mentioned case properties in different cases including the gold jewellery comes to Rs. 13,35,520/-. In this connection, statements of Ex-M.H.C. Manohar Lal 213 and present M.H.C. Sarabjit Singh 845 were recorded who stated that they had been asking Jaswant Singh 1274 to give the charge but he had been putting off on one pretext or the other. The details of case properties recovered in various cases are as under :-

Sr.No.1: Case F.I.R. No. 217/2018, Item No. 1218, Amount recovered : Rs.2,600/-, Sr. No. 2, Case : F.I.R. No. 46/2019, Item No. 1009, Recovery amount : Rs.10,400/-, Sr.No. 3, Case F.I.R. No. 92/2019, Item No. 1056, Amount recovered : Rs.4,100/-, Sr. No. 4, Case F.I.R. No. 95/2019, Item No. 1060, recovered amount : Rs.3,700/-, Sr. No. 5, Case F.I.R. No. 105/2019, Item No. 1069, recovered amount : Rs.70,000/-, Sr. No. 6, Case F.I.R. No. 20/2019, Item No. 1103, recovered amount : Rs.2,00,000/-, Sr. No. 7, Case F.I.R. No. 133/2019, Item No. 1092, recovered amount: Rs.10,000/-, Sr.No. 8, Case F.I.R. No. 4/2020, Item No. 1019, recovered amount: Rs.2,480/-, Sr.No. 9, Case F.I.R. No. 39/2020, Item No. 1059, recovered amount : Rs. 1,15,050/-, Sr.No. 10, Case F.I.R. No. 86/2020, Item No. 1079, recovered amount : Rs.5,000/-, Sr. No. 11, Case F.I.R. No. 105/2020, Item No.

1095, recovered amount: Rs.2,000/-, Sr.No. 12, Case F.I.R. No. 106/2020, Item No. 1096, recovered amount : Rs.60,000/-, Sr.No. 13, Case F.I.R. No. 151/2020, Item No. 1129, recovered amount : Rs.58,000/-, Item No. 14, Case F.I.R. 230/2020, Item No. 1200, recovered amount : Rs.3,87,000/-, Item No. 15, Case F.I.R. No. 120/2021, item No. 1218, recovered amount: Rs.3,88,190/-, Sr.No. 16, Case F.I.R. No. 64/2022, Item No. 1145, recovered amount: Rs.17,000/-, Total amount : Rs.13,35,520/-. The charge for these items was not handed over. Ex-M.H.C. Jaswant Singh 1274 has still not handed case property about the above cases to present M.H.C. Sarabjit Singh 845/JAL-R. The case properties of the above cases are also not present in the Police Malkhana. He was informed about this many times but he has not come present. His wife Parminder Kaur, resident of Village Mona Kalan, P.S. Mehtiana, District Hoshiarpur was informed in writing and she was also directed to come present in the Police Station along with her husband Jaswant Singh when he comes home. She was also informed on her Mobile No. 98153-81988. He had noted it down but has not come present. He has been told to make up the case property and hand over the charge to the present M.H.C. but Jaswant Singh 1275 has neither come to the Police Station nor he has shown any interest in handing over the charge. During this time on different dates, entries were made in the Daily Diary of the Police Station on the date of hearing in all those cases which are attached. Thus, the above-mentioned cash amounting to Rs. 13,35,520/- relating to case properties has been embezzled by M.H.C. Jaswant Singh No. 1274/JAL-R. He has committed breach of trust. Registration of a case under Section 409 I.P.C. against him is recommended. In case any other item is found missing from his charge, a separate Report will be

*submitted to you. Report is submitted." Sd/- Manjit Singh,
S.I., S.H.O., P.S. Adampur, dated 28.08.2023."*

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

5. The petitioner has been in custody since 05.08.2024 in a case based on documentary evidence. Since all the incriminating material collected against the petitioner forms part of the challan, there can be no apprehension of the petitioner tampering with the same; since 22 prosecution witnesses have been cited, possibility of the trial concluding in the near future looks unlikely. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

May 19, 2025

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No