

**IN THE COURT OF DR. HARPREET KAUR,
ADDITIONAL SESSIONS JUDGE, FATEHGARH SAHIB**

BA No.308/2024
CNR No.PBFG0100-1112-2024
Decided on: 03.04.2024

Jagvir Singh, aged about 49 years, son of Sh. Jeet Singh, resident of Village Salana Jeon Singh Wala, Tehsil Amloh, District Fatehgarh Sahib.

..Applicant

Versus

State of Punjab.

.. Respondent

FIR No. 33 dated 16.03.2024
Under section : 406, 506 IPC
Police Station : Amloh

APPLICATION FOR BAIL UNDER SECTION 438 CRPC

Present; Sh. Rajesh Jallu, Advocate for bail-applicant.
Sh. Munish Kumar, Additional PP for the State

ORDER

1. This order shall dispose of bail application moved by applicant-accused namely Jagvir Singh, under section 438 Criminal Procedure Code, in case FIR No.33 dated 16.03.2024, under Sections 406, 506 of Indian Penal Code, registered at police station Amloh.

2. Notice of the bail application was given to the State which has been contested on its behalf by Ld. Additional Public Prosecutor for the State. Record from the concerned Police station produced.

3. I have heard the ld. Counsel for the parties and perused the record with their able assistance.

4. Ld. Counsel for the applicant/accused submitted that the applicant/accused is Ex. Sarpanch of Village Salana Jeon Singh Wala Tehsil Amloh. The present FIR has been registered against the applicant-accused by BDPO Amloh, by misusing his power at the instance of ruling party of Punjab. The auction of the pond for fish farming was conducted by the Gram Pachayat. Gurnam Singh being the highest bidder of the auction was allotted the pond on lease for the period of one year for an amount of Rs.55,000/-. The auction proceedings was conducted by the Gram Panchayat in the presence of all the members of Gram Panchayat and Panchayat Secretary. The amount of Rs.55,000/- deposited by Gurnam Singh was duly incorporated in the cash book of Gram Panchayat on 22.07.2020. The applicant-accused has never asked the said Gurnam Singh to lift all fishes from the pond. The directions to clean the pond and to excavate the mud from the pond was given by the Government and the Punjab Pollution Board. On the basis of the said directions, the Gram Panchayat passed a resolution and after passing the resolution the work of cleaning of the pond was started under the supervision of Ranjit Singh Panchayat Officer, Bhupinder Singh secretary and Khushwinder Singh Secretary of BDPO Office Amloh. The said resolutions have been attached with the bail application as Annexure A4 to A6. The counsel further submits that JCB Machine and Tractor Trolley for cleaning the pond was provided by Ravinder Singh and Company and the payment of JCB and Tractor Trolley have also been made by the Gram Panchayat. No

amount of Gurnam Singh is ever due against the applicant-accused. The applicant-accused has not caused any loss to Gurnam Singh. Applicant/accused is ready to abide by all the terms and conditions which may be imposed by this court while enlarging him on bail. Lastly, prayer to allow the bail application has been made.

5. On the other hand, Ld. Additional Public Prosecutor submitted that the allegations against the applicant/accused are serious in nature as he has committed cheating with Gurnam Singh. Therefore, the applicant/accused is not entitled for anticipatory bail.

6. The present FIR has been registered at the instance of Block Development and Panchayat Officer Amloh, District Fatehgarh Sahib, on the basis of complaint filed by one Gurnam Singh. Allegations against the applicant-accused Jagvir Singh are that he being Sarpanch of Gram Panchayat, Village Salana Jeon Singh, asked Gurnam Singh to lift the fishes from the pond, which he has taken on lease for the period of one year for an amount of Rs.55,000/-, on the pretext of cleaning of the pond due to which the said Gurnam Singh suffered the financial loss of Rs.4,00,000/-. Further there are also allegations that on the asking and assurance of applicant-accused, the said Gurnam Singh arranged JCB Machine to level the base of the pond and has spend Rs.25,200/- but the applicant-accused has not given the said amount spent by Gurnam Singh. Prima facie the dispute between the parties seems to be a Civil Dispute. The veracity of the allegations are to be determined at the conclusion of

the trial which will take considerable time.

7. Keeping in view of the facts and circumstances, but without commenting upon the merits of the case, this court is of the considered opinion that the applicant-accused should be given opportunity to put his version before the Investigating Agency. Accordingly, the applicant/accused is admitted on interim bail and in the event of the arrest of applicant/accused, Arresting officer /Investigating officer is directed to be released him on interim bail, on his furnishing bail bonds in the sum of Rs.1 lakh with one surety of the same amount, to the satisfaction of the concerned IO/arresting officer, subject to the following conditions:-

- A. That accused-applicant shall join and cooperate the investigation as and when called upon by the investigating officer;
- B. Accused-applicant shall not try to contact, intimidate or attempt to influence the prosecution witnesses;
- C. Accused-applicant shall not leave the country without the permission of the court;

8. Copy of this order be sent to the SHO, PS Amloh for compliance. To come up for report of the investigating officer, on 08.04.2024. Police record be returned.

Pronounced in open Court: 03.04.2024

**(Dr. Harpreet Kaur)
Additional Sessions Judge,
Fatehgarh Sahib.
UID No.PB-0443**

(Directly Dictated)

Karamjit Kaur Stg.II

*Dr. Harpreet Kaur
ASJ-Fatehgarh Sahib
UID no.PB0443*