

IN THE COURT OF SHRI GAURAV KALIA,
ADDITIONAL SESSIONS JUDGE, FAZILKA
(Unique Identification No.PB-0517)

Computer Regd. No.BA-252/2019
CNR No.PBFZC0000694-2019
Decided on: 26.2.2019

Varinder Kumar, aged 39 years son of Bhagwan Singh, resident of village Tillanwali, Tehsil and District Fazilka.

....Applicants/accused

Versus

State of Punjab

FIR No.14 dated 14.2.2019
under Sections 420/193/199/200 of IPC
Police Station: Khuian Sarwar

Bail application under Section 438 Cr.P.C.

Present: Sh. S.K. Kamboj, Advocate counsel for applicant/accused.
Sh. Gurbaj Singh, Addl. P.P for the State.

ORDER:-

1. This order shall dispose of an application having been filed by the applicant/accused ***Varinder Kumar*** aforesaid, seeking grant of his anticipatory bail in view of the provisions of section 438 of Cr.P.C., in above cited FIR.
2. Notice of the bail application was given to State and police record was also sought.
3. Learned counsel for the applicant/accused has argued that the present FIR is outcome of factionalism since applicant/accused remained Sarpanch of village Tillanwali from 2013 to 2018, earlier Ramo Devi i.e. mother of applicant/accused also remained Sarpanch for the tenure 2008 to 2013. The alleged matter involved in this FIR pertains to the year 2017

(Gaurav Kalia),
Addl. Sessions Judge,
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and now after Panchayat Election at the instance of opponents and local leaders, present FIR is lodged. He has further argued that the FIR is outcome of application so filed by Ram Niwas son of Kundan Lal, Sukhjeet Kumar son of Manphool Ram who had contested Sarpanch election against the applicant/accused. In the said application, complainant has also used the name of Darbara Singh son of Bahadar Singh who has rebutted the facts of FIR and has sworn an affidavit in this regard. He has further argued that on 26.3.2018 the record of Depot has lost and application in this regard is filed with the local police and matter has also been enquired by Food and Supply Department. The inquiry report on the basis of which FIR is registered is false since after the said report again, an enquiry dated 23.9.2018 is conducted and it is found that the record of Depot of applicant/accused is actually lost whereas the offences mentioned in the FIR are false as such offences mentioned in the FIR are not made out. During the allotment of Depot to the applicant since 2012, a regular checking was made by the officials of Food and Supply Department and no irregularity of any kind was found for the distribution of articles at all. The complainant is habitual of filing false complaints against the applicant which have been earlier also found false. The applicant/accused undertakes to abide any condition imposed by this Court and has prayed for allowing the present anticipatory bail application.

4. Per contra, learned Addl. P.P. for the State has argued that the allegations against the applicant are serious of nature as he failed to produce the record pertaining to Depot which shows bungling of funds and also shows that the Ration items meant for poor persons do not reach them. He has further argued that complaints have been received by the residents of village by the Food & Supply Department also against the applicant/accused. So he has committed the offence under Sections 420/193/199/200 of IPC and he is not entitled to bail.

5. I have heard learned counsel for the applicant, the learned Addl. PP for the State and have also gone through the police record.

6. Perusal of the FIR shows that Food & Supply Department has already canceled the Depot of the applicant/accused and a letter no.2018/5667 has been received by the police from the Food & Supply Department to take action against the applicant/accused. In order to escape the liability, he has intentionally not produced the record pertaining to Depot and given the application that it has been lost. Considering the allegations against the applicant/accused, this Court is of the view that he is not entitled to get anticipatory bail. Consequently, the present anticipatory bail application of applicant/accused **Varinder Kumar** is dismissed. This order shall have no bearing on the merits of case. Police file be returned. File be consigned to the record room after due compilation.

Announced in open Court.
February 26, 2019
Deepak Kumar, Stenographer Gr-II
Direct Dictation

Sd/-
(Gaurav Kalia)
Additional Sessions Judge
Fazilka, UID No.PB-0517

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Present: Sh. S.K. Kamboj, Advocate counsel for applicant/accused.
Sh. Gurbaj Singh, Addl. P.P for the State.

Arguments heard. Vide my separate detailed order passed in this bail application, anticipatory bail application having been filed by the applicant/accused ***Varinder Kumar*** has been dismissed. This order shall have no bearing on the merits of case. Police file be returned. File be consigned to the record room after due compilation.

Announced in open Court.
February 26, 2019
Deepak Kumar, Stenographer Gr-II
Direct Dictation

Sd/-
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Additional Sessions Judge
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Addl. Sessions Judge,
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