

Present: Sh. MG Sameer, Advocate counsel for accused/applicants Geeta and Surinder Kumar.
Sh. Savinder Saini, learned APP for the State, assisted by
Sh. Shankar Puri, Advocate for the complainants.

Police record received and perused.

This order of mine shall dispose of bail application filed by accused/applicants Geeta and Surinder Kumar in case FIR No.75 dated 26.08.2023 under Section 409, 120-B IPC, PS Chhajli. In the bail application, the applicants/accused have submitted that they have been falsely implicated in the present case and prayed that accused be released on bail.

Notice of the bail application was given to State whereupon Sh. Savinder Saini, learned APP for the State duly assisted by Sh. Shankar Puri, Advocate for the complainant appeared and opposed the bail application and prayed for dismissal of the bail application.

Heard. As per the averments of prosecution that complainants Ishwar Singh and Butta Singh use to take land falling in reserve quota on lease and cultivate the same. During the current year 2023-24 both the complainant bid to take land on lease of Gram Panchayat Mojjowal and Ishwar Singh had bid at Rs. 5,32,500/- and complainant Butta Singh had bid at Rs. 5,04,500/- and deposited Rs. 10,000/- each as security on the spot with Sarpanch Geeta Devi (accused) and further deposited Rs. 8,50,000/- cash on 29.04.2023 with Sarpanch Geeta Devi (accused) in the presence of other persons namely Bikkar Singh, Nath Singh, Mithu Singh and when both complainants asked about the receipts then Sarpanch Geeta Devi (accused) told that she will give the same

after getting the receipts signed from Secretary Gram Panchayat Mojjowal. But despite repeated demand no receipt was issued. On 25.05.2023 Ishwar Singh and Butta Singh the complainants were asked by Panchayat Secretary to deposit remaining amount of Rs. 1,87,000/- and he also asked both the complainants that after depositing the said amount i.e. 1,87,000/-, receipt of entire amount would be taken from Sarpanch and then on 25.05.2023, Rs. 1,87,000/- was deposited through cheque but not receipt was ever issued by the Sarpanch.

The counsel for accused contended that the present case was registered due to political pressure as accused persons are members of congress party. Perusal of the police record shows that complainant Ishwar Singh is the resident of village Madewas then how he put political influence has not been explained and as such, at this stage, no conclusion can be arrived at whether the present case was registered due to political conflict or not because it is the matter of evidence.

The counsel for accused further contended that from the bare perusal of the FIR no offence is made out against the accused because in the previous year 2022-23 the entire amount of lease was deposited through cheques and why in the current year the complainant party has not deposited the lease amount through cheque has not been explained and as such, it is crystal clear that no payment had ever been deposited with the accused persons as alleged by the complainants. At this stage, it cannot be concluded that why the complainant party has not deposited the entire amount through cheque because it is also the matter of evidence and further, in the previous year some

of the lease amount was also deposited in cash.

I have also perused the copy of letter bearing no. 2472 dated 15.05.2023 issued to complainant Ishwar Singh by the office of BDPO Sunam in which it has been written that on 25.05.2023 Rs. 1,87,000/- was deposited by Ishwar Singh through cheque. How on 15.05.2023 the BDPO Sunam came into possession of the cheque of complainant Ishwar Singh allegedly to be executed by him on 25.05.2023 has not been explained by the accused persons. Furthermore, there is also a video recording of Vipin Kumar son of accused persons in which he admitted regarding taking money by his parents i.e. the accused persons.

From the arguments as addressed by Id. APP for the State duly assisted by Sh. Shankar Puri, Advocate counsel for complainants and the counsel for accused persons, it has come on record that the allegations levelled against the accused persons are very serious in nature and if they are released on bail then there is every kind of likelihood that they will temper with the evidence. As such, no ground is made out to release the applicants/accused on bail. Accordingly, the present bail application stands dismissed. Police record be returned. Papers be attached with the remand papers.

Dated: 04.09.2023
Saurav, Stenographer

(Daleep Kumar)
Judicial Magistrate 1st Class,
Sunam. UID No. PB0428