

**IN THE COURT OF SH.H.S. GREWAL
ADDITIONAL SESSIONS JUDGE PATIALA
(UID no. PB0081)**

BA CIS no.829 of 2024
CNR no. PB PT 01 002767-2024
Date of decision ... 19.3.2024

Baljinder Singh, aged 44 years, Panchayat Secretary of village Gadiaya, Tehsil Nabha, son of Jang Singh, resident of Harnama Colony, Amargarh, District Malerkotla.

....Applicant

Versus

1. State of Punjab.
2. SHO/IO/Arresting Officer, Police Station Bhadson, Tehsil Nabha, District Patiala.

... Respondents

FIR no.21 dated 2.3.2024
under Section 409 IPC
Police Station Bhadson

Bail Application under Section 438 Cr.P.C.

Present: Sh.Sunit Pathak, Advocate, counsel for
applicant-accused
Sh.B.S.Goraya, Addl.PP for the State

ORDER

1. This order of mine shall dispose of an application for anticipatory bail filed by the applicant in case FIR no.21 dated 2.3.2024 under Section 409 IPC Police Station Bhadson.

2. In pursuance of notice of the application having been issued, the learned Addl.PP for the respondent-State has put in appearance. Record has been produced. Report of Ahlmad has been perused, as per report of Ahlmad, no application filed by the applicant is pending nor any

application has been decided by the Hon'ble High Court. Learned Addl.PP for the State has also rendered the assistance that as per investigating officer, no application filed on behalf of applicant is pending or has been decided by any court of law till date.

3. Learned counsel for applicant has argued that applicant has been falsely implicated in the present case on the basis of FIR lodged qua offence under Section 409 IPC, on the allegations that as per ADC (Rural Development), applicant who was posted as Panchayat Secretary, had not handed over the record to the concerned official. It has been further argued that letter qua audit was received by applicant only on 28.2.2024. Applicant had handed over the record on 1.3.2024 and FIR has been lodged on 2.3.2024. Applicant had already handed over the complete record and audit has already been conducted. Applicant is ready to abide by the directions, if any, imposed, as it was only on account of lack of proper communication that the applicant could not hand over the record and FIR has been lodged in a hasty manner. Application be allowed.

4. On the other hand, learned Addl.PP for State has hotly opposed the contentions and has argued that on the basis of application moved by ADC (Rural Development) to the SSP, Patiala FIR has been lodged qua non handing over of government record by the applicant which was to be handed over uptill 28.2.2024. Further, applicant was having custody of the said record and as such he was legally bound to hand over the same by 28.2.2024 for the purpose of audit. Thus, application be dismissed.

5. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, contents of the FIR, record produced by ASI Parminder Singh, coupled with due assistance rendered, it is apt to make mention that FIR has been lodged on the application moved by ADC (Rural Development) to the SSP, Patiala qua non handing over of record. Applicant Baljinder Singh was posted as Panchayat Secretary. As per documents annexed with the application it was only on 28.2.2024 that application had been written for handing over of record. As per prosecution, the record was to be handed over by 28.2.2024 for the purpose of audit. As per the assistance rendered the record has been produced by the applicant and audit has also been conducted. Thus, taking into note the totality of the facts the court is the considered opinion that custodial interrogation of applicant is not required. Ends of justice shall be squarely met in case applicant is directed to make himself available to facilitate thorough and fair investigation and to produce the record in case something further is to be produced for the purpose of audit in the department. Applicant is accordingly directed to appear before the SHO/ investigating officer within five days from today and he shall fully cooperate with the investigation and on putting in appearance, the applicant shall be admitted to bail on his furnishing the bail bonds in the sum of Rs.50,000/- with one surety in the like sum, to the satisfaction of the Investigating Officer/S.H.O of the concerned police station, with the directions:-

1. That the applicant shall not leave the country without prior permission of the court,
2. He shall not tamper with the prosecution evidence even to the slightest,
3. He shall render every possible help during the investigation as and when called upon,
4. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

He shall make compliance of the provisions enshrined under section 438(2) Cr.P.C. The bail application is accordingly allowed. Copy of order be sent to the concerned police station for compliance. Police record has been returned. Bail application papers be consigned to the record room

Pronounced
March 19, 2024

(H.S. Grewal)
Additional Sessions Judge,
Patiala (PB0081)

Ravinder Kaur
Stenographer -I

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Baljinder Singh vs. state

Present: Sh.Sunit Pathak, Advocate, counsel for
applicant-accused
Sh.B.S.Goraya, Addl.PP for the State

Record received and perused. Arguments have been heard.

Vide separate detailed order of even date, the bail application has been
allowed as detailed therein. File be consigned to the record room.

Pronounced
March 19, 2024

(H.S. Grewal)
Additional Sessions Judge,
Patiala (PB0081)

Ravinder Kaur
Stenographer -I