

IN THE COURT OF DR RAM KUMAR SINGLA,

UID NO. PB-0122,

ADDITIONAL SESSIONS JUDGE,

GURDASPUR.

Bail Application No.268 of 2018

Date of Institution :03.07.2018

CIS No. BA-1596-2018

CNR No. PBGD01-004230-2018

Date of Decision: 05.07.2018

Arjinder Singh son of Dharam Singh resident of village Chaudhariwal,

Tehsil Batala, District Gurdaspur.

.....**Applicant/ Accused.**

Versus

State of Punjab.

.....**Respondent.**

FIR No.53 dated 17.06.2018

U/Ss. 419, 420, 465, 466, 467,468, 471, 120-B of the Indian
Penal Code.

Police Station: Rangar Nangal.

First application for bail under Section 438 Cr.P.C.

Present: Sh. M.S. Ghuman, Advocate, for the accused-applicant.

Sh. Vikram Kashyap, Additional Public Prosecutor for the State, assisted
by Sh. Davinder Singh Aulakh Advocate, counsel for the complainant.

ORDER

Police record has been received and perused. Sh. Davinder
Singh Aulakh, Advocate, has filed Vakalatnama/ Power of Attorney on
behalf of the complainant. Arguments have been heard on anticipatory
bail of above referred **applicant/ accused Arjinder Singh** in the
aforesaid FIR No.53 dated 17.06.2018 for the aforesaid offences, P.S.
Rangar Nangal.

2. Briefly, the allegations necessary to be detailed herein for disposal of the present anticipatory bail application of the accused/applicant Arjinder Singh are that the present case was registered on the basis of complaint made by Gurmit Singh Former Sarpanch of village Chaudhariwal (hereinafter called complainant) and further enquiry thereto, whereas it has come on surface for the misappropriation of grant of Rs. 20,50,000/- as sanctioned to the Gram Panchayat of village Chaudhariwal by the accused/applicant along-with Kewal Singh Sarpanch of the village. It has come on record that the said grant was not used to the development of the village. It has come on surface with the proper enquiry to that allegations as made by the complainant that initially an account of that Gram Panchayat was in Co-operative Bank Ghoman and it was got transferred to the HDFC Bank Branch Batala. Further, out of that sum a cheque of Rs.5,50,000/- was made at the name of Krishna Infrastructure Private Limited on 20.06.2016 and second cheque of Rs. 10,48,000/- was made at the name of Bala Ji Builders by forging the signatures of BDPO Arashdeep Singh, Sarpanch Kewal Singh and Panchayat Secretary Dalbir Singh. To transfer that amount by way of that cheques it has come on record that the said cheques were made by Kewal Singh Sarpanch of village Chaudhariwal and Arjinder Singh Raja. Thereafter, the said Arjinder Singh @ Raja by getting the sewerage work of that village through M/s Bala Ji Builders got a cheque of Rs. 4,45,000/- in his favour from that Bala Ji Builders. Apart from that, a sum of Rs. 4,52,000/- were transferred through M/s Kavar Bricks by that

Kewal Singh and Arjinder Singh. In that way, by misappropriation of said sum by the said persons out of that grant sum of the village whereby no development was conducted by them for which that grant was sanctioned, rather it has come on record that the misappropriation of Rs. 20,50,000/- grant of that village by making the transfer of that sum in their accounts which is evident from the account statements of concerned bank of the accused persons. It has also been added that later on the main accused/applicant got the panchayat record from the Panchayat Secretary with the assistance of political high ups and has retained the same with illegal motive. Therefore, the present case was registered against them for the offence punishable under sections 419, 420, 465, 466, 467, 468, 471, 120-B of the Indian Penal Code. Being aggrieved from that, the applicant/accused Arjinder Singh has sought his anticipatory bail.

3. The learned counsel for the accused/applicant has argued that, all the allegations are false and frivolous and are politically motivated. The accused/applicant is neither member panchayat of the village nor sarpanch of the village nor is holding any such responsible position in the panchayat of the village. He has been implicated being his alliance with the Akali Dal. He is ready to join the investigation proceedings. His custodial interrogation is not warranted in any manner as the requisite enquiry has already been conducted. Therefore, he is entitled to the concession of anticipatory bail to him.

4. On the other hand, learned Additional PP for the State assisted by Sh. Davinder Singh Aulakh, Advocate, has argued that there

are specific allegations against the accused/applicant apart from other accused persons and that too are having the basis of documentary evidence i.e. getting the transfer of part of the grant amount in his account by cheque concerning that transaction.

5. **Having heard to their rival contentions** and have gone through the file and in reference to the above detailed facts and circumstances on record, the act and conduct of the accused is leading the fact that he has committed white collar crime to that economic offence in connivance with panchayat of the village. Therefore, he is not deserving the concession of anticipatory bail to him, as it is a matter of record from the account statements on record which have come on record in the enquiry proceedings that he got transferred part of the grant sum in his own account through a construction company which fact is also evident from the statement of Sanjeev Gupta an owner of M/s Bala Ji Builder Company that he got transferred in his account of Rs. 4,45,000/- from that grant sum by getting the issuance of a cheque of Rs. 10,48,000/- from that gram panchayat funds. All that allegations are warranting his custodial interrogation to bring the truth on surface. Therefore, without commenting on the merits of the case the present anticipatory bail application of the accused/ applicant is hereby declined. Police record be returned. Bail file be consigned to the record room.

Pronounced in open court.
Dated: 05.07.2018.

Shiv Kumar Stenographer Gr.1

(Dr Ram Kumar Singla),
UID No. PB-0122,
Additional Sessions Judge,
Gurdaspur.

