

(2023) 02 P&H CK 0016

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 6323 Of 2023 (O&M)

Sakattar Singh @ Sakatar Singh @ Ballu

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 10-02-2023

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 409, 420, 465, 467, 468, 468, 471, 477A
Prevention Of Corruption Act, 1988 — Section 13(1)(C), 13(1)(D)

Citation : (2023) 02 P&H CK 0016

Hon'ble Judges : Gurvinder Singh Gill, J

Bench : Single Bench

Advocate : R.S. Sidhu, Amandeep Chhabra, Siddharth Attri

Final Decision : Allowed

Judgement

Gurvinder Singh Gill, J

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.166 dated 11.10.2017 at Police Station City Malout, District Sri Muktsar Sahib, under Sections 409/420/465/467/468/471/477-A/120-B IPC and under Section 13(1) C, 13(1) D of the Prevention of Corruption Act.

2. The allegations, as per the FIR, in nutshell are to the effect that Sandeep Singh, Junior Assistant and Rajwinder Singh, Senior Assistant, while working in Accounts Branch of Water Supply & Sanitation Division, Malout had manipulated salary bills of the employees and G.P. Fund during the period in question i.e. October, 2013 to February, 2016 and had, thus, embezzled an amount of Rs.1.33 crores approximately, which was deposited in the 3 bank accounts of Sandeep Singh.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the FIR, it is co-accused Sandeep Singh in whose personal accounts the entire amount of Rs.1.33 crores had been deposited. It has been submitted that the petitioner has been roped in

as an accused solely on account of the fact that he was working as Clerk at the time when the alleged embezzlement had taken place and on the premises that he was supposed to issue tokens when bills are presented and to forward the same to Senior Assistant, who further forwards to the District Accounts Officer (DAO) and further on to the Drawing & Disbursing Officer. It has further been submitted that the petitioner has not benefitted in any manner and had been performing his duties diligently and it could have been on account of inadvertence only that the alleged fraud did not come to his notice. It has been informed that identically situated co-accused Malkiat Ram has already been granted bail by this Court vide order dated 17.1.2023 passed in CRM-M-1286-2023.

4. Opposing the petition, learned State counsel has submitted that the fraud in question could not have been committed without the active connivance of the petitioner, who was supposed to initiate the process of bills. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 months and 27 days. Learned State counsel has informed that the petitioner happens to be involved in 2 other cases. It has also been informed that while challan has been presented, but charges are yet to be framed and as many as 35 PWs have been cited.

5. This Court has considered rival submissions addressed before this Court.

6. Without commenting anything as regards the merits of the case, but while noticing that as per the FIR, the petitioner is not stated to be the beneficiary as the entire amount is stated to have been credited in the personal account of co-accused Sandeep Singh and that the petitioner has been behind bars for the last about 4 months and 27 days and also the fact that identically situated co-accused Malkiat Ram has already been granted bail by this Court vide order dated 17.1.2023 passed in CRM-M-1286-2023, further detention of the petitioner will not serve any useful purpose particularly when the trial has not even commenced till date. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.