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High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 13428 of 2010

Manjit Singh	APPELLANT
Vs	
State of Punjab and Others	RESPONDENT

Date of Decision: Oct. 26, 2010

Acts Referred:

- Penal Code, 1860 (IPC) - Section 307, 324, 341, 348
- Punjab Panchayati Raj Act, 1994 - Section 20(3)

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.
Learned Counsel for the parties submits that regarding the controversy involved, Tejbalkar Singh, Panch, co-accused of the petitioner, has filed Civil Writ Petition No. 14722 of 2010 titled as "Tejbalkar Singh v. State of Punjab and Others, which was dismissed by a Co-ordinate Bench of this Court on 18.8.2010, wherein it has been held as under:

...It is not in dispute that the petitioner has been charged in a case registered under Sections 307, 324, 341 and 348 IPC.

The Hon"ble Division Bench of this Court in Balbir Singh v. State of Punjab 2001(4) RCR 323 was pleased to lay down, that allegations u/s 307 IPC are serious in nature and, therefore, the order passed by the authorities, suspending a panch/sarpanch u/s 20(3) of the Punjab Panchayati Raj Act, 1994 cannot be said to be suffering from any infirmity.

The decision of the Hon"ble Division Bench of this Court laying down, that, registration of case u/s 307 IPC is likely to embarrass the panch/sarpanch in discharge of his duties. The decision being of Hon"ble Division Bench is binding on this Court.

The judgments relied upon by the learned Counsel for the petitioner in support of the contentions raised, cannot be disputed, that a person is entitled to be heard before an order is passed. The petitioner appeared before the Director, as well as the appellate authority. The reading of the order, passed by the appellate authority would show that the matter has been considered.

It was not for the authorities under the Punjab Panchayati Raj Act, to give an opinion on the merit of the criminal case, registered against the person. It is only in case where the action is proposed to be taken on the administrative side under the Panchayati Raj Act, that all the documents necessary are required to be given to the petitioner, for defending his case, as held by the Hon"ble Division Bench of this Court in Jagtar Singh v. State of Haryana and Anr. (supra).

The reading of Section 20(3) of the Punjab Panchayati Raj Act, 1994, shows that the registration of case involving serious offences, itself is a ground for suspension of panch/sarpanch.

Once it is not disputed that the petitioner was facing trial under Sections 307, 324, 341 and 348 IPC, no error has been committed by the authorities in suspending the petitioner in exercise of jurisdiction u/s 20(3) of the Act.

No merit.

Dismissed.

2. After perusing the judgment rendered in Tejbalkar Singh"s case (supra), this Court is not inclined to take a contrary view. Hence, the preset writ petition is disposed of in the same terms as in the case of Tejbalkar Singh.