

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-19689 of 2015 (O&M)
Date of Decision: July 28, 2015.**

Parveen Kumar

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Sharmila Sharma, Advocate
for the petitioner (s).

Mr. Vikramjit Singh, Addl.A.G. Haryana.

Mr. Sanjeev Kodan, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.139 dated 26.03.2015 registered for the offences punishable under Sections 406, 409, 420, 467, 468 and 471 of Indian Penal Code, at Police Station Kharkhoda, District Sonapat.

Heard.

A complaint was filed by Om Dutt before Judicial Magistrate 1st Class, Sonapat for registration of the FIR and investigation. As per the allegations in the complaint, the petitioner, who is Sarpanch of village Mandori, has embezzled the public money/funds received by him from

the Block Development and Panchayat Officer(BDPO), Kharkhoda; committed the irregularities in MANREGA scheme by diverting its funds to the persons incapable of getting the benefit under the scheme; he is involved in anti-social act and conduct and has not been supplied the required information to the various villagers under the Right to Information Act.

Learned counsel for the petitioner submits that due to political rivalry, the complainant has been making one complaint or the other against the petitioner. His earlier complaint was inquired by the City Magistrate and the allegations levelled were found to be false. She further submits that the payment under the MANREGA scheme is paid directly to the beneficiaries by the office of BDPO and Sarpanch never deals with that money. Even if, there is some allegation of embezzlement, the same are based on documentary evidence. The petitioner has already joined the investigation and is cooperating with the police.

Learned counsel for the complainant submits that there is no political rivalry of the complainant with the petitioner. The allegations levelled in the FIR are altogether different than allegations, which were inquired vide report (Annexure P-2) by the City Magistrate. The allegations are of embezzlement of public funds and BDPO vide his letter dated 15.04.2015 has requested the District Collector to take action against the petitioner as he was not providing the required information.

Learned State counsel on instructions from SI Samunder

Singh submits that petitioner has joined the investigation and the police is still investigating the matter and the allegations levelled in the FIR.

It is apparent that the allegations of embezzlement are to be verified on the basis of documentary evidence. Admittedly, there is no complaint by the BDPO about the embezzlement of any funds by the petitioner. The payment of MANREGA funds is made directly to the beneficiary. The petitioner has already joined the investigation and his custodial interrogation is not required in this case.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 11.06.2015 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

July 28, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE