

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-28981 of 2015.
Decided on:-04.09.2015.

Dharampal.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ranjan Lakhanpal, Senior Advocate with
 Mr. Arjun Lakhanpal, Advocate
 for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

HARI PAL VERMA, J.

Prayer in this petition is for grant of pre-arrest bail to the petitioner in case FIR No.20 dated 27.7.2013 under Sections 201/409/420/467/468/471/120-B IPC and Section 13(1) (d) of the Prevention of Corruption Act, 1988 registered at Police Station State Vigilance Bureau, Rohtak.

The aforesaid FIR was registered against the petitioner and other accused on the basis of preliminary investigation No.1 dated 24.8.2012 conducted by the Vigilance Department. On the basis of enquiry conducted by the Director General, State Vigilance Bureau, Haryana, it was found that the petitioner along with other officials had embezzled an amount of Rs.1,57,44,780/- which was received during the years 2010-11 and 2011-12. Out of this amount, a sum of Rs.1,25,57,280/- was provided by the Government vide cheque No.358123 dated 21.3.2011 for irrigation to the fields of farmers through water pipeline and remaining amount of Rs.31,87,500/- for installing sprinklers for irrigation in the fields. From the aforesaid amount, 50% subsidy was to be granted to the farmers. However, the petitioner and other officials in collusion with Sandeep son of Shri Radhey Shyam, proprietor Laxmi Enterprises, Rohtak Road, Delhi, who is authorised firm, had misappropriated the amount by preparing false and forged bills and did not install any sprinkler and water pipeline and had grabbed the total amount of Rs.1,57,44,780/-. From the tenders of 70 firms, the tender of Laxmi Enterprises was approved and as per rules, 300 files under the scheme were prepared. Out of 215 files of U.G.P.L. scheme, only 89 files were provided during investigation and no file from 85 files of S.P. Set was provided. However, some farmers lodged complaint to D.C. for not granting subsidy, then Sandeep Goyal, brother of Manish Goyal deposited the amount of Rs.5,38,143/-.

Learned senior counsel for the petitioner has contended that the petitioner was a very lower rank official working as Tracer and had retired from service on 30.4.2012 from the department of Soil Conservation. He has further submitted that the petitioner was posted as Accountant only for a short span of three months from January 2011 to March 2011 and during this period, neither any subsidy money was received in the department nor any payment was made and it is only after the petitioner had handed over the charge to the new incumbent, the subsidy was received by the department, which was received in favour of the dealer.

On the other hand, learned counsel for the State, on instructions from Inspector Om Parkash, Vigilance, Jhajjar has submitted that about 211 files of U.G.P.L. scheme are still required to be recovered from the petitioner. He has further submitted that hundreds of farmers have complained against the petitioner. He has further contended that it is during the period when the petitioner was working as Accountant and the subsidy was released to be disbursed to the farmers, but instead of disbursing the same to the farmers, the petitioner had embezzled it in connivance with other officials. While controverting the period of posting of the petitioner as Accountant for three months, he has submitted that the petitioner remained posted as Accountant for more than seven months.

Heard.

A bare perusal of the FIR shows that the allegations against the petitioner are very serious in nature. Huge amount of embezzlement is

involved in the present case which was otherwise to be used for the benefit of the farmers. The petitioner was holding an important position and was working as an Accountant, who is otherwise considered to be a concerned official for the purposes of disbursement of subsidy. Therefore, no ground for granting anticipatory bail is made out.

Accordingly, the instant petition, being devoid of any merit, is dismissed.

September 04, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE