

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

**Criminal Misc. No.M-30899 of 2015
Date of Decision: 24.09.2015**

Bahadar Chand

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Narender Kumar Sharma, Advocate
for the petitioner (s).

Mr. Kapil Aggarwal, Addl.A.G., Haryana.

HARI PAL VERMA J.

Prayer in the present petition filed under Section 438 CrPC is for grant of anticipatory 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) Prevention of Corruption Act, 1988 registered at Police Station S.V.B. Rohtak, District 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, Dadri, Bhiwani, 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 counsel for the petitioner contended that the petitioner is a retired Agriculture Inspector and was working at Division Mattanhel. The allegation that the official files are missing and could not be traced, requiring the custodial interrogation of the

petitioner, is wrong, as not even a single file is missing at Mattanhel, where the petitioner was working at that time. He further submitted that the petitioner appeared before the Superintendent of Police and explained his stand. Even the dealer has also deposited the excess amount of subsidy with the department in the block Mattanhel where the petitioner was working.

Heard.

A bare perusal of the FIR shows that the allegations levelled against the petitioner are serious in nature. Huge amount of embezzlement is involved in the present case, which was otherwise to be used for the benefit of farmers. The petitioner was holding an important position and was working as Agriculture Inspector. Had the petitioner pointed out the irregularities, disbursement of subsidy could not have been made. Therefore, no ground for anticipatory bail is made out.

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

However, it is made clear that the observations made here-in-above shall not be construed as any expression on the merits of the case and such observations have been recorded only for the purpose of disposal of this petition.

September 24, 2015
AK

(HARI PAL VERMA)
JUDGE