

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-32910 of 2015 (O&M)

DATE OF DECISION: 6.10.2015

Vijay Pal

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)
2. To be referred to reporters or not? (Yes/No)
3. Whether the judgment should be reported in the Digest? (Yes/No)

Present:- Mr. Mukesh Yadav, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

Crl. Misc. No. 32873 of 2015

This application has been filed for placing on record Annexure P-3.

Application is allowed and Annexure P-3 is taken on record.

Crl. Misc. No. M-32910 of 2015

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 340 dated 28.11.2013 registered under Sections 409/420 IPC at Police Station Kanina, District Mahendergarh.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case on the basis of complaint made by one Mahavir. In the Inquiry the allegations levelled in the complaint were found to be false. No funds were found to be embezzled. The FIR was

registered in the year 2013 and the petitioner handed over the complete record to the Sarpanch elected subsequently in the year 2010. Even a single document is not in the possession of the petitioner. Learned counsel also submits that no recovery is to be effected from the petitioner as all the documents are either in the custody of the department or with the investigating authority.

Heard the arguments advanced by learned counsel for the petitioner and have also gone through the contents of the FIR.

On perusal of the FIR, report of the Inquiry Officer as well as the investigation conducted by the Investigating Officer, it is clear that certain evidence has been collected, wherein, it has been found that the funds of the Gram Panchayat have been embezzled and the amount which has been shown to be utilized on development and construction work was not actually spent and the payment which was shown to have been released to the persons was released for the work which was not actually done. Not only the allegations of embezzlement are there but the documents have also been forged. The FIR was registered on 28.11.2013 and learned counsel for the petitioner is unable to explain as to how the petitioner is apprehending his arrest now. Neither any status of the investigation has been brought to the notice of this Court nor it has been mentioned as to how the petitioner is going to be arrested in this case at such a later stage.

In view of above discussion and also keeping in view the nature of allegations against the petitioner, no ground is made out to grant anticipatory bail to him. The petition being devoid of any merit is hereby dismissed.

October 13, 2015
pooja

(DAYA CHAUDHARY)
JUDGE