

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

CRM-M-34557-2014

Date of decision: 19.3.2015

Satish @ Satte

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Sumit Sangwan, Advocate for the petitioner

Ms.Mahima, AAG, Haryana

Mr.Naveen S.Bhardwaj, Advocate for the complainant

SNEH PRASHAR, J.

The instant petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail in case FIR No. 267 dated 9.9.2014, registered under Sections 420, 467, 468, 471 of the Indian Penal Code (for short 'the Code') at Police Station Badhra, District Bhiwani.

Learned counsel for the parties have been heard.

It is submitted by learned counsel for the petitioner that due to party faction, the petitioner has been falsely implicated in the present case. The petitioner is a govt. teacher. No offence under Sections 420, 467, 468, 471 of the Code is made out against the

petitioner. The students enrolled in the school are getting all benefits provided by the Govt. The parents of the students also filed their affidavit in this regard. The allegations levelled in the FIR are vague in nature. The entire school record wherein there is nothing incriminating against the petitioner, is available with the police and nothing is to be recovered from him.

On the other hand, learned State counsel as well as counsel for the complainant opposed the prayer of the petitioner and submitted that the petitioner by adding names of children, who were not studying in his school had caused great loss to the govt. exchequer by misappropriating the funds provided by the government for the welfare of the poor children.

Perusal of the record reveals that after preliminary inquiry conducted by Assistant Commissioner of Police, Bhiwani, the present FIR was lodged against the petitioner. As per the FIR, the petitioner remained posted as JBT Teacher in Govt. Primary School, Prempura, Tehsil Charkhi Dadari, District Bhiwani from 2006 to 2013 and during this period, he enrolled 25 children fraudulently, who were already admitted in different schools, to grab the funds provided by the government in the name of the school children. He also prepared fake and false documents to get the funds released from the government and misappropriated the same.

In view of the accusation against the petitioner that

prima facie he has misappropriated the funds provided for the poor children, which is a serious crime against the society and has prepared fake and fictitious documents for doing so, in my considered opinion there is no ground to grant anticipatory bail to the petitioner. As such, the present petition being devoid of any merit is dismissed.

19.3.2015
gsv

(SNEH PRASHAR)
JUDGE