

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

**Crl. Misc. No. M-5386 of 2015
Date of decision : 11.08.2015**

Jogender @ Joga

..... Petitioner

versus

State of Haryana

... Respondent

with

**Crl. Misc. No. M-6218 of 2015
Date of decision : 11.08.2015**

Rekha Devi

..... Petitioner

versus

State of Haryana

... Respondent

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Vikram Singh, Advocate
for the petitioner(s).

Mr. Deepak K. Grewal, DAG, Haryana.

Mr. Navneet Singh, Advocate
for the complainant.

ANITA CHAUDHRY, J.

These are two petitions, one by Rekha Devi and
the other by her husband, seeking anticipatory bail in FIR
No.67 dated 03.02.2015, registered under Sections 409, 420,
467, 471 IPC at Police Station Kharkhoda, District Sonapat.

The first petitioner namely Rekha was the Sarpanch. The second petitioner is her husband. The Block Development and Panchayat Officer, Kharkhoda got a case registered on 02.02.2015 on the allegations that a complaint had been given by the Gram Secretary that excess amount had been withdrawn by forging his signatures.

Earlier the petitioners were asked to join the investigation. It had been stated that the Deputy Commissioner was holding an inquiry and since the police was out to arrest the Sarpanch and they had to file reply to the show cause notice, interim protection was allowed.

The petitioners were directed to join the investigation. They had joined the investigation. They had also filed their reply. The matter is still pending before the Deputy Commissioner.

The counsel for the petitioners urges that Section 204 of the Haryana Panchayati Raj Act provides that no suit or other proceedings in a civil or criminal Court shall lie against the Panch, Sarpanch as the case may be, if the act is done in good faith. He urges that the Deputy Commissioner is yet to give a decision and the petitioners had joined the investigation and no recovery is to be effected and the tenure of the Sarpanch has expired. It was urged that no recovery is to be effected from the second petitioner (husband).

The State counsel submits that the allegations against the Sarpanch are that the signatures were forged on the Resolution and the amount were withdrawn which were not properly utilized.

It is admitted that the Sarpanch had been suspended. The suspension order was challenged before the Financial Commissioner. The suspension was revoked and the Authority was directed to seek the reply and then hear and decide the matter afresh. The matter is still pending. The tenure of the Sarpanch has expired. There are no allegations that the petitioners would abscond or that they would not make themselves available for trial. Therefore, both the petitions are allowed and the order(s) granting interim bail are made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

**(ANITA CHAUDHRY)
JUDGE**

August 11, 2015
sunil