

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

**CRM-M-5884 of 2015
Date of decision : 31.03.2015**

Sarita Jangra

..... Petitioner

versus

State of Haryana and another

... Respondents

With

**CRM-M-7456 of 2015
Date of decision : 31.03.2015**

Manphool

..... Petitioner

versus

State of Haryana and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

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

Present: Mr. Sumit Sangwan, Advocate
 for petitioners in both the petitions.

 Mr. R.S. Doon, Assistant Advocate General
 for respondent-State of Haryana.

 Mr. Rajesh K. Sheoran, Advocate
 for respondent No.2 in both the petitions.

DARSHAN SINGH, J.

This order shall dispose of both the petitions mentioned above filed by petitioners Sarita Jangra and Manphool for grant of anticipatory bail.

2. Respondent No.2 Rati Ram has filed the private complaint alleging therein that Sarita Jangra, who was the Sarpanch during the period 2005 to 2010 and petitioner Manphool was working as the Panchayat Secretary, have embezzled the Panchayat funds by preparing the bogus record. On the basis of the private complaint filed by respondent No.2, the petitioners have been summoned to face trial for the offences punishable under Sections 409, 420, 467 and 471 of Indian Penal Code, 1860 (in short 'IPC') vide order dated 8.01.2015 passed by the Judicial Magistrate First Class, Charkhi Dadri.

3. Learned counsel for the petitioners pleaded that the complaint has been filed by respondent No.2 due to political rivalry in the village. He contended that if there was any irregularity in the accounts, that has already been settled and the amount has already been deposited in the Govt. Treasury. He contended that there is no evidence regarding fabrication of record. He further contended that falsity of the version of complainant is evident from the fact that he has involved Manphool, the Panchayat Secretary, who was appointed in this Gram Panchayat only in December 2009, whereas, the disputed period is prior to that. He further contended that both the petitioners have already appeared before the trial

Court in compliance of the order passed by this Court and have been admitted to interim bail. They have already joined the proceedings. So, they deserve the concession of anticipatory bail.

4. Per contra, learned Assistant Advocate General for the State of Haryana and Mr. Rajesh K. Sheoran, Advocate, learned counsel for the complainant vehemently pleaded that it is a case of embezzlement of the funds of the Gram Panchayat by fabrication of record. They contended that petitioner Sarita Jangra, the then Sarpanch of the Gram Panchayat had executed the illegal lease of the Panchayat land. Various illegalities were found in the inquiry conducted by the Block Development and Panchayat Officer. Even the Lokayukta, Haryana had directed the authorities to take action against the petitioners. They further contended that petitioner Manphool was working as Panchayat Secretary during the relevant period. The offences are serious in nature. So, the petitioners do not deserve the concession of anticipatory bail.

5. I have duly considered the aforesaid contentions.

6. As already mentioned the petitioners have been summoned to face trial for the offences punishable under Sections 409, 420, 467 and 471 IPC on the basis of private complaint filed by respondent No.2 Rati Ram. The Block Development and Panchayat Officer, Dadri-II has conducted the inquiry with respect to the allegations levelled against the petitioners. No doubt, in the inquiry report certain irregularities have been pointed out in maintenance of the record and

handling of the cash in hand. As a crux of the said inquiry report, petitioner Sarita Jangra was directed to deposit a sum of Rs.20,347/-. This fact is not disputed that aforesaid amount has been deposited by petitioner Sarita Jangra as directed by the authorities. So, the embezzled amount has already been deposited by petitioner Sarita Jangra.

7. No specific date of the embezzlement is mentioned . Only the border period i.e. April 2005 to April 2010 has been mentioned in the complaint. Petitioner Manphool has been appointed as Panchayatt Secretary of Gram Panchayat Kaliana only vide order dated 31.12.2009. So, it is also quite debatable as to whether any embezzlement has been taken place during the tenure of petitioner Manphool. Petitioner Sarita Jangra is a lady. Both the petitioners have been summoned to face the trial on the basis of a private complaint. They have already appeared before the trial Court and have been admitted to interim bail in pursuance of the order passed by this Court. Thus, they have already joined the proceedings. No custodial interrogation of the petitioners is required. So, their detention will not serve any purpose.

8. Consequently, the interim anticipatory bail granted to both the petitioners is hereby made absolute. They will be bound to comply all the conditions as provided under Section 438 (2) of the Code of Criminal Procedure, 1973.

31.03.2015
sunil yadav

**(DARSHAN SINGH)
JUDGE**