

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

CRM-M -11048 of 2016 (O&M)

Date of decision: 18.10.2016

Jasbir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Rajpal.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.68 dated 13.11.2015, registered under Sections 409 ad 420 of IPC, at Police Station Naggal, District Ambala.

On 31.03.2016, this Court had passed the following order:-

“Petitioner claims that he had been an elected Sarpach of Village Sakraon, District Ambala from 2011 to 2016. The allegation against the petitioner is that he had misappropriated the funds of the panchayat by misutilizing them. Petitioner has appended the bills on the record to justify the expenses. It appears that the petitioner has been served a notice under Section 53 (1) of the Haryana Panchayati Raj Act, 1994 to which he has filed a reply.

Notice to Advocate General, Haryana, for July 7, 2016.

Meanwhile, an interim direction is issued that the

petitioner will join investigation on or before April 23, 2016 and in case of his doing so, he will be released on interim bail to the satisfaction of the arresting officer.”

It is contended that the show cause notice dated 14.10.2015 which is foundation of the present FIR stands set aside, vide order dated 26.08.2016, passed by learned Collector, Ambala. In pursuance of the order dated 31.03.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that though the petitioner has joined the investigation, however, the matter is being re-investigated by SDO, Panchayati Raj, Sehjadpur.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 31.03.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned. However, the State shall have the liberty to initiate proceedings as per law on the basis of report prepared by the SDO, Panchayati Raj, Sehjadpur.

The petition stands allowed.

18.10.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable: Yes No