

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

CRM-M -16793 of 2016 (O&M)

Date of decision: 29.09.2016

Raghbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Manoj Bajaj, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Ramesh Kumar.

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.134 dated 26.03.2015, registered under Sections 409, 420, 467 and 471 IPC, at Police Station Shahabad, District Kurukshetra.

On 16.05.2016, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail on behalf of accused petitioner-Raghbir Singh in case FIR No.134 dated 26.3.2015 under Sections 409,420,467,471 IPC, PS Shahabad,Distt. Kurukshetra.

BDPO Balbir Singh lodged the FIR against the petitioner that while acting as Sarpanch for the period from 2011 to 2014, petitioner had mis-utilised and embezzled a sum of Rs.9.5 lacs while utilising funds under the

MGNREGA Scheme.

It is contended that under the MGNREGA Act, Panchayat only identifies the works to be done whereas the entire funds are operated by the office of Panchayat Department and as such no offence would be made out against the petitioner.

Notice of motion for 8.8.2016.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

It is contended that in pursuance of the order dated 16.05.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

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 16.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

29.09.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable: Yes No