

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

CRM-M-26075-2016 (O&M)

Date of decision : 07.11.2016

Vijay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. R.C. Setia, Sr. Advocate,  
with Mr. Surinder Singh, Advocate,  
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,  
assisted by HC Rakesh Kumar.

**JITENDRA CHAUHAN, J. (Oral)**

The petitioner seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure, in FIR No.101 dated 12.05.2016, registered under Sections 409 and 420 of the Indian Penal Code, at P.S. Sadar, Distt. Yamuna Nagar.

It is contended that the construction of a mini stadium in the village was completed on the initiative taken by the petitioner. After the completion of work, the same was assessed and the verification of the amount spent was carried out by the concerned Junior Engineer, whereon, no objections were filed from any side. The instant FIR is based upon the assessment report prepared by the SDO (Panchayati Raj), at the back of the petitioner. The petitioner was not associated by him at any stage before the preparation of the report which is the foundation of the present FIR. The report is drawn against the procedure. The petitioner has repeatedly joined

ATUL SETHI  
12/11/2016  
I attest to the accuracy and  
authenticity of this document  
Chandigarh

the investigation in pursuance of the orders passed by this Court.

On the other hand, learned State counsel, on instructions, states that though the petitioner has joined the investigation, but he is not cooperating. He submits that even as per the assertion of the petitioner, work to the extent of Rs.7.91 lacs has not been explained.

Heard.

Keeping in view the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 28.09.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

**07.11.2016**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**

Whether speaking / reasoned :      Yes      No

Whether Reportable :      Yes      No