

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-36693 of 2015 (O&M)
Date of Decision: 02.02.2016

Rajesh

--Petitioner

Versus

State of Haryana

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Lekh Raj Sharma, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.297 dated 9.8.2014 under sections 420, 468, 471, 120-B I.P.C, registered at Police Station, Sadar Jind.

Learned counsel for the parties have been heard.

F.I.R in question was registered on the complaint of B.D.P.O., Jind. Allegation in a nutshell was that a certain amount of money had been sanctioned for development work of village Dalamwala. The present petitioner namely Rajesh runs a brick kiln. Allegations against him are that a sum of Rs.25,90,000/- were released vide account payee cheques and the requisite material had not been supplied.

The present petition came up for preliminary hearing on 23.10.2015 and the contention of the counsel for the petitioner had been noticed that there is no embezzlement of money and rather the petitioner is ready and willing to deposit any outstanding amount along with interest.

While issuing notice of motion on 23.10.2015, arrest of the petitioner had been stayed. Thereafter, on the subsequent date of hearing

i.e. on 20.11.2015, petitioner had been directed to join investigation.

During the course of arguments, counsel appearing for the petitioner has very fairly stated that the sum of Rs.25,90,000/- had been received in the account of the petitioner. As per his version, 1,28,000 bricks approximately had been supplied in lieu thereof. It is also submitted that a sum of Rs.21,14,550/- has since been credited by the petitioner in the account of the Gram Panchayat of the village concerned.

Learned State counsel upon instructions from ASI Narinder Singh would submit that the petitioner has in fact not supplied any material in lieu of the payment of Rs.25,90,000/-. He further submits that the supply that had to be made was not of bricks but was interlocking paver tiles.

This Court while considering the prayer for anticipatory bail would not enter into the merits of the case. This is precisely for the reason that Mr. Lekh Raj Sharma, learned counsel for the petitioner has furnished an undertaking during the course of hearing today that within a period of four weeks the balance amount of Rs.4,75,000/- approximately would be deposited and credited to the account of the Gram Panchayat and such deposit would be subject to the final outcome of the investigation in the case.

Learned State counsel, however, apprises the Court that the petitioner has since joined investigation.

Under such circumstances, petitioner is held entitled to the concession of pre-arrest bail. Accordingly, the present petition is allowed. The orders dated 23.10.2015 and 20.11.2015, passed by this Court, are made absolute.

It is, however, clarified that, if, the amount of Rs.4,75,000/- is not deposited by the petitioner in the account of the Gram Panchayat within the stipulated time frame of four weeks from today, the concession of anticipatory bail granted to the petitioner would stand withdrawn/cancelled.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.02.2016
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