

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

**CRM-M-39316-2016
Date of decision-07.11.2016**

**Nafe Singh
Vs.
State of Haryana**

**...Petitioner

...Respondent**

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Harish Nain, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 438 of the Criminal Procedure Code has been filed for grant of anticipatory bail to the petitioner in FIR No.166 dated 25.06.2016 registered under Sections 406 and 420 of the Indian Penal Code (in short 'IPC') at Police Station Uchana, District Jind.

Learned counsel for the petitioner contends that FIR against the petitioner on behalf of the complainant-Panchayat is not maintainable. The petitioner did not receive any lease amount. He further informs that petitioner is lambardar of the village. Learned counsel further cites “*Md.Ibrahim and others Vs. State of Bihar and another, 2009 (4) R.C.R. (Criminal) 369.*”

Notice of motion.

At the asking of the Court, Mr. Saurabh Mohunta, DAG, Haryana, accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Mr. Gunjan Mehta, Advocate causes representation on behalf of

complainant at this stage.

Heard.

As per the allegation, petitioner is signatory of the lease deed for the period of 03.08.2015 to 23.08.2018. allegedly prepared in favour of one Pawan Kumar who is resident of the nearby village. The lease deed is allegedly signed by seven other residents. However, none of them was holding any possession. The complainant is Gram Panchayat and as per the allegations, ponds of the village were leased out without any authorization. A huge amount of Rs. 16,15,000/- was also taken as lease money which was not further credited in the account of Gram Panchayat. The ratio of the cited case law does not apply to the facts of the instant case.

In the circumstances, no case for grant of concession of anticipatory bail to the petitioner is made out.

Consequently, bail application stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

November 07, 2016
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No