

**Sr. No.207
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-40265 of 2015 (O&M)
Date of Decision: 18.05.2016**

Rakesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. R.D.Yadav, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

CRM No.16223 of 2016

Application is allowed, as prayed for.

Documents at Annexures P-1 to P-3 are taken on record.

Application disposed of.

Main Case

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.606 dated 23.10.2015, under Sections 409/420/467/468/471 of the Indian Penal Code, registered at Police Station Model Town, Rewari, District Rewari.

Briefly, it may be noticed that the petitioner was earlier serving as a licencing clerk in the office of Sub Divisional Officer (Civil) Rewari and the allegations are that for the period from 13.12.2013 to 31.03.2014, a collection of Rs.3,66,799/- which was municipal tax was misappropriated.

Further allegations are that the petitioner had even forged receipts showing

deposit of such municipal tax and even seal of the Punjab National Bank, Branch Mini Secretariat, Rewari to show that the amount has been deposited.

While issuing notice of motion, the following order was passed by this Court on 30.11.2015:-

“Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Rakesh Kumar, who has been booked for having committed the offences punishable under Sections 409, 420, 467, 468 and 471, PC, in a case arising out of FIR No.606, dated 23.10.2015, registered at Police Station, Model Town, Rewari.

Learned counsel contends that the alleged embezzled amount with interest has been deposited by the petitioner; the whole case of the prosecution is based upon the documentary evidence and nothing remains to be recovered from the petitioner and as such, his custodial interrogation would not be necessary in the present case.

Notice of motion for 09.02.2016.

In the event of his arrest, the petitioner shall be released on ad-interim anticipatory bail subject to his furnishing personal bond in the sum of Rs. 25,000/- (Rupees twenty five thousand only) with one surety in the like amount to the satisfaction of the arresting officer.

The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down in Section 438(2), Cr.P.C.”

This Court has been apprised that the petitioner has since joined investigation.

That apart counsel would advert to a communication dated 24.03.2015 Annexure P-3 from the Sub Divisional Officer (Civil) Rewari and addressed to the Transport Commissioner, Haryana to assert that the

amount in question already stands deposited by the petitioner in the account of the Municipal Corporation. Counsel contends that such deposit has been made subject to the final investigation and outcome of the case.

Under such circumstances, the prayer made in the present petition is accepted.

Petition is allowed. Order dated 30.11.2015, passed by this Court is made absolute.

Disposed of.

18.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE