

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CRM M-43649 of 2015

Date of Decision: January 5, 2016

Gafoori

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.S.S. Dinarpur, Advocate  
for the petitioner.

Mr. C.S. Bakshi, Addl.A.G., Haryana

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**M.M.S. BEDI, J. (ORAL)**

Petitioner is a female ex-Sarpanch who is alleged to have committed embezzlement in funds.

It is contended by counsel for the petitioner that Madan Lal had embezzled the funds.

With the assistance of counsel for the State, I have gone through the police file and find that the petitioner is an accused of embezzlement of three cheques mentioned in the FIR. A perusal of the police file indicates that the evidence collected against the petitioner is in the

shape of statement of her co-accused Madan Lal and Sudesh Kumar. The evidentiary value of the said statements being statements of co-accused recorded by the police while in police custody will certainly be a debatable issue. The petitioner is a lady and ex-Sarpanch. It will also be debatable whether she could be held vicariously liable for the misappropriation alleged against her and three others especially when it is the petitioner who had originally made the complaint regarding the misappropriation of the panchayat funds.

In view of the above, the petition is allowed and it is ordered that in case of arrest of the petitioner she will be released on bail to the satisfaction of the arresting officer subject to the conditions that she will join investigation as and when required by the police and that she will not tamper with the evidence or hamper the investigation in any manner. In case of non-compliance of any of the above said conditions, it will be open to the prosecution agency to seek cancellation of bail.

January 5, 2016  
sanjay

(M.M.S.BEDI)  
JUDGE