

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

CRM-M No. 4773 of 2016 (O&M)

Date of Decision: 29.02.2016

Surinder alias Shillu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. G.S. Kaura, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
for the respondent/State assisted by ASI Jagdish Chander.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the accused/petitioner-Surinder alias Shillu in case FIR No. 400, dated 01.08.2015, for offences punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code (Section 409 of the Indian Penal Code added after investigation), registered at Police Station Narnaund, District Hissar.

The petitioner/accused while officiating as Sarpanch of the village is alleged to have illegally withdrawn an amount of Rs. 2.50 crores (Approx.) from the Panchayat funds by forging the signature of the BDPO and without permission of the competent authority under the rules.

It has come on police file that a recovery of Rs. 2 lacs was effected from the present petitioner/accused and another sum of Rs. 1,78,000,00/- from the other persons/parties to whom the alleged loot had been entrusted.

It is contended that the case is triable by a Magistrate and the petitioner is in custody since 10.10.2015. It is further stated that the challan has been presented and evidence of twenty-seven prosecution witnesses is yet to commence.

Learned State Counsel, assisted by ASI Jagdish Chander, is unable to refute the factual position.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner and the fact that the trial is not likely to be concluded in near future, moreso, when the case is triable by a Magistrate, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Hisar.

February 29, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE