

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

CRM-M No.6590 of 2015

Date of Decision:-12.01.2016

Manju Sharma.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mrs. Savita Bhandari, Advocate for the Petitioner.

Mr. Gaurav Dhir, Deputy Advocate General Haryana
assisted by SI Phool Singh.

None for the Complainant.

None for the Chowkidar.

JASWANT SINGH, J.(ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Manju Sharma in case FIR No.19 dated 13.01.2015 for offences punishable under Sections 409, 420 of Indian Penal Code and under Sections 13(c)(d) of the Prevention of Corruption Act, 1988 (added later on) registered with Police Station Shahabad, District Kurukshetra.

As per the allegations in the FIR, petitioner while working

as Accountant in the office of BDPO, Shahabad was involved in the embezzlement of a sum of Rs.28 lacs approximately. The modus operandi was that three co-accused BDPOs would release the money meant for payment to Chowkidars/Watchmans and the Honorary amount meant for the members of the Panchayat and the same was deposited in the personal account of the petitioner.

It was submitted on behalf of the petitioners that said amounts were withdrawn and subsequently paid to all the persons concerned under proper receipt and as such no offence is made out. It is further submitted that rest of the co-accused have since been granted anticipatory bail by the learned Court of Sessions, therefore seeks parity of treatment.

Upon notice reply by way of affidavit of Gurmail Singh, Deputy Superintendent of Police, Shahabad(M), District Kurukshetra has been filed on behalf of the State. A perusal of the same reveals that there is detailed report of audit team showing that all the named accused including the complainant Sunehra Singh were conspiring and had fraudulently and dishonestly embezzled public funds to the tune of Rs.1,50,63,412/- approximately by way of withdrawal of amounts by the petitioner through self cheques and cash withdrawals.

On the basis of such report, offences under Section 13(c) (d) of The Prevention of Corruption Act, 1988 have since been added and, therefore, at this stage no parity can be claimed. Even the said co-accused would now have to move fresh application seeking bail.

Without commenting on the merits of the case, in the facts of the case, keeping in view the nature and gravity of the offences, no case for grant of anticipatory bail is made out.

Dismissed.

**(JASWANT SINGH)
JUDGE**

January 12, 2016
Vinay