

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

CRM-M No.22738 of 2017 (O&M)
Date of decision: 27th September, 2017

Mahinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Mansur Ali and Mr. Bhupinder Banga, Advocates
for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against petitioner Mahinder Singh in this anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.544 dated 18.09.2014 under Sections 323/149/409/466/467/471/120-B/500/506 IPC pertaining to Police Station Narnaund, District Hissar are that during the period from year 2010 to 2015 when the petitioner from 15.07.2013 to 08.08.2013 and from 30.08.2013 to 06.11.2013 while working as a Panchayat Secretary of village Ugaalan was instrumental in sanctioning bills/issuance of cheques for the development works which were never executed and in all by various acts of the accused officials financial loss to the tune of Rs.2,24,847/- accrued to the State leading to registration of the present case.

Contentions of learned counsel for the petitioner Mr. Mansur Ali and Mr. Bhupinder Banga, Advocates are that the petitioner is not solely responsible for any misconduct and the only loss alleged to be attributed to the petitioner is to the tune of Rs.59,000/- which he has already deposited with the department and has placed on record receipt to that effect and submits further that the development works were the outcome of resolutions by the Gram Panchayats who were solely responsible for the same and that nothing is to be recovered from the petitioner.

Learned State counsel has vehemently opposed grant of bail to the petitioner on the grounds that all the accused are officials and in active connivance and in collusion with the Panchayat members did not intentionally carry out the development works and have rather usurped the public funds and therefore, custodial interrogation of the petitioner is very much essential.

Going through the arguments, it was for a period of almost 5 years funds meant for rural development works over which various officials posted in Gram Panchayat Sabhas from different periods of time were instrumental in duping the State and such type of scandals certainly need to be taken seriously as innumerable such like instances have come to the fore where the very development by the Government at grassroots level stands frustrated by such irresponsible officials by their acts of

misconduct. Keeping in view that the investigations are at crucial stage and custodial interrogation of each and every official during the relevant period is very much essential to further unearth the nexus and modus-operandi together with the fact that provisions of Section 438 Cr.P.C. are to be sparingly used, impels this Court to decline the prayer sought to be made. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

September 27, 2017
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No