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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29420-2017 [O&M]

Date of Decision:- September 05, 2017

Manphool Singh (Ex-Sarpanch)

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Narender Pal Bhardwaj, Advocate,
for the petitioner .

Mrs. Neelam Kashyap, DAG, Haryana.

SHEKHER DHAWAN, J.

Present petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No. 252 dated 27.6.2017 registered at Police Station Butana, District Karnal, for the offence punishable under sections 409 and 420 of Indian Penal Code.

2. Facts relevant for the purpose of decision of the present petition; that the petitioner was elected as Sarpanch of Gram Panchayat, Abli Khalsa, Block Nilokheri for the period of 2005-2010. He committed embezzlement of ₹ 2.5 Crores along with co-accused during the said period. An enquiry was conducted by Block Development and Panchayat Officer, Nilokheri and it was found that the petitioner had caused loss of ₹17,83,410/- and a report in this regard was sent to the Deputy Commissioner, Karnal. Subsequently, notice for recovery of ₹52,56,942/- was also issued against the petitioner on account of causing loss of

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₹17,77,870/- plus interest, but the petitioner did not deposit the said amount.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case. He was never associated in the enquiry proceedings conducted by Block Development and Panchayat Officer. More so, he has retired long back and the recovery proceedings cannot be initiated after a period of seven years as per rules governing the petitioner.

4. Learned State counsel, while opposing the bail application of the petitioner, contended that the petitioner is required for the purpose of investigation, because it is a case involving embezzlement of public funds to the tune of ₹2.5 Crores and the petitioner has allegedly misappropriated a sum of ₹17,77,870/-. The petitioner did not join the enquiry proceedings conducted by Block Development and Panchayat Officer despite repeated notices sent to him. The petitioner being Sarpanch at the relevant time, was responsible to account for the funds entrusted to the Panchayat, but he failed to do so. So, his pre-arrest bail application be dismissed.

5. Having considered the submissions made by learned counsel for the parties and the facts available on the file, this Court is of the considered view that the petitioner is not entitled to the concession of pre-arrest bail in this case. Undisputedly, the petitioner was performing duties as Sarpanch of the Gram Panchayat at the relevant time and it was a case involving embezzlement of huge public funds. There are specific allegations against the petitioner that he had embezzled a sum of ₹17,77,870/- as per the detailed enquiry report submitted by Block Development and Panchayat Officer which has been produced on record

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today by learned State counsel. The petitioner was issued notice to join the enquiry proceedings, but he failed to appear before the Block Development and Panchayat Officer for the reasons best known to him. More so, it is not a case of initiation of any recovery proceedings after a lapse of considerable time, rather it is a case of embezzlement of public funds by a trustee and the entire matter requires thorough investigation. As such, the petitioner is not entitled to the concession of pre-arrest bail.

6. In view of the above, no case is made out to grant the petitioner concession of pre-arrest bail. The petition stands dismissed.

September 05,2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes
Yes