

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

204

CRM-M-40226 of 2016

Date of Decision: May 02, 2017

Santosh

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in F.I.R. No.229 dated 30.09.2016 under sections 406/420/467/468 of Indian Penal Code, registered at Police Station Adampur.

On 10.11.2016, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner states that the petitioner being a Sarpanch of village Khairampur, District Hisar has utilized the Panchayat funds for the purpose of construction of culverts. He further states that no fund was embezzled as alleged.

Notice of motion for 07.02.2017.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Thereafter, the matter came up before this Court on 07.02.2017 and the following order was passed:-

“The allegations against the petitioner are with regard to embezzlement of Panchayat funds while holding the post of Sarpanch.

Learned State counsel states that a communication has been received from the B.D.P.O, Adampur that the petitioner has already made a deposit of Rs.2,82,162/-, which would be part of the alleged amount stated to be embezzled. Counsel further submits that after such circumstances even the statement of the B.D.P.O concerned under Section 161 Cr.P.C is to be recorded.

List on 02.05.2017.

Interim protection to continue.”

Learned State counsel upon instructions from HC Jangir Singh would apprise the Court that the petitioner has since joined investigation.

Under such circumstances, custodial interrogation of the petitioner, as such, would not be warranted.

Prayer made in the present petition is accepted.

The order dated 10.11.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.05.2017
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***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**