

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

**CRM-M No.41740 of 2016
Date of Decision: 10.03.2017**

Anil Malik

.....Petitioner

Versus

State of Haryana

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J.(ORAL)

On 23.01.2017, following order was passed by this

Court:-

“Petitioner seeks anticipatory bail in case FIR No. 256 dated 21.10.2016 under Sections 201, 409, 420 IPC registered at Police Station Baroda, District Sonipat.

The petitioner was an elected Sarpanch in the year 2010. During currency of his tenure, he got an FIR No.212 dated 01.06.2015 registered in respect of theft of motorcycle as well as Panchayat record with Police Station, City Gohana through his relative.

The said FIR was investigated and untrace report was submitted. BDPO, Gohana did not initiate any proceedings in terms of Section 53 of the Haryana Panchayati Raj Act, 1994, nor any calendra was submitted by the police under Section 182 IPC in the event of finding allegations of FIR to be false. The FIR in question came to be lodged only after expiry of

tenure of the petitioner as Sarpanch.

The petitioner is directed to appear before the SHO/Investigating Officer to join the investigation on 29.01.2017 and in the event of arrest of the petitioner, he shall be admitted to ad-interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

Adjourned to 10.03.2017.”

Learned counsel for the petitioner submits that petitioner has already joined the investigation in pursuance of aforesaid order.

This fact has not been disputed by learned State counsel on instructions from ASI Chander Bhan. However, he states that recovery has not been effected.

Be that as it may, since proceedings in terms of Section 53 of the Haryana Panchayati Raj Act, 1994 have not been initiated, nor any calendra was submitted by the police under Section 182 IPC in the event of finding the allegations of the FIR to be false, therefore, I deem it appropriate to confirm the order dated 23.01.2017.

Ordered accordingly.

(RAJ MOHAN SINGH)
JUDGE

10.03.2017
prince

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No