

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

CRM-M No.44870 of 2017

Date of decision: December 01, 2017

Manoj

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.

Petitioner has filed the present petition under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in case FIR No.529 dated 11.08.2015, under Sections 166-A, 409, 420, 467, 468, 471, 120-B of Indian Penal Code registered at Police Station Sadar Bhiwani, District Bhiwani.

The aforesaid FIR was registered against the petitioner and other co-accused with the allegations that Smt. Bimlesh Devi is a Sarpanch of the Village Madh Madhvi whereas, petitioner-Manoj is her son. The accused are getting false record by forging signatures for the benefit of each other. Under the MNREGA Scheme, the Sarpanch of the concerned village provide employment to such unemployed people of village under the MNREGA Scheme. For such employment, the job cards are made after checking the original documents. The accused persons have taken photocopy of ration card, identity card and photographs of certain persons in whose house there was no bathroom and the bathroom was required

to be constructed in such house. Many persons including the complainant have handed over such documents which include identity card, ration card and photographs. The petitioner along with accused No.1 with an intention to misuse and embezzle the money received under MNREGA Scheme got the job cards prepared of number of villagers by misusing the ID card, ration card and photographs. After forging the documents, the accused persons embezzled the government money.

Learned counsel for the petitioner has argued that the incidents relates to the year 2010-11 whereas, the FIR has been registered in August, 2015 i.e. after a gap of about 04 years. Thus, there is inordinate delay in lodging the FIR. Petitioner has been called by the police and he has been appearing and joining the investigation for the last about 02 years. The complainant remained silent for about 04 years, which clearly proves the *mala fide* on the part of the complainant and shows that complainant was acting on the behest of the opposite party in the village. Even if the allegations are accepted from their face-value, the embezzled amount comes to Rs.54,000/- and the petitioner is ready to deposit the said money. Investigation in this case has been concluded by the Investigating Agency. Neither any document is required nor custodial interrogation is necessary.

On the other hand, learned State counsel has argued that the allegations against the petitioner are serious. During the course of investigation, the thumb impression of the petitioner-accused were sent to the Forensic Science Laboratory, Madhuban for its comparison with the thumb impression submitted to the bank at the time of opening of account and amount withdrawal forms of various persons. In the FSL report, the

thumb impression of the petitioner has been matched with the thumb impression appeared on the bank account opening form and amount withdrawal form of 08 persons. He has opposed bail application and prays for its dismissal.

I have heard learned counsel for the parties.

The allegation against the petitioner is that he has embezzled the government money which was required to be spent as per MNREGA Scheme. Instead of getting the bathroom constructed in the village, the money has been embezzled by the petitioner. The FSL report has established the involvement of the petitioner wherein the thumb impression of the petitioner has been matched with the thumb impression appeared on the bank account opening form of different persons of the village. The petitioner stated to have submitted withdrawal form of 08 persons.

Therefore, taking into consideration the nature of allegations, this Court does not find any merit in the instant petition and the same is hereby dismissed.

December 01, 2017
m. sharma

(HARI PAL VERMA)
JUDGE

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