

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

CRM-M-9203-2017

Date of decision :10.08.2017

Sukhma Devi

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Ms. Anita Balyan, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Keshav Pratap Singh, Advocate
for the complainant.

H.S. MADAAN, J. (Oral)

This is petition for grant of pre-arrest bail by Sukhma Devi an accused in FIR No.32 dated 08.02.2017 under Sections 409, 468, 471 IPC registered with Police Station Beri, District Jhajjar.

Briefly stated the allegations against her are that the petitioner remained Sarpanch of Gram Panchayat, Marot, Block Matanhale, District Jhajjar from August 2010 to 24th July, 2015 and during that period she had embezzled a sum of ₹4,93,586/-. Formal FIR in that regard was registered against her and others on the basis of written complaint submitted by

Krishan Singh son of Balwant Singh.

Apprehensive of being arrested in the case, she had approached the Court of Sessions for grant of pre-arrest bail but her such request was declined by Additional Sessions Judge, Jhajjar vide order dated 09.03.2017, as such, she has approached this Court seeking similar relief.

Notice of the bail application was given to the respondents who have put in appearance. In terms of the interim bail granted to her vide order dated 17.03.2017 she is stated to have joined the investigation and as stated by learned State counsel on instructions from ASI Om Singh, her custodial interrogation is not required.

Learned counsel for the petitioner has contended that a false FIR has been got registered by the complainant on account of political reasons since he had lost the election against the present petitioner and that the entire amount received by the Gram Panchayat is accounted for in the record and that the allegations of embezzlement against her are false and fabricated.

Learned counsel for the complainant has refuted the allegations of the petitioner having contested election against her. Learned counsel for the complainant has further contended that it is a case of misappropriation of public funds running into lacs of rupees and the petitioner has failed to account for the same. Therefore, she is not entitled for grant of pre-arrest bail.

After hearing learned counsel for the petitioner, learned counsel for the complainant and learned State counsel, besides, going through the record I find that the petitioner is stated to be aged about more than 50 years and she has joined the investigation. As stated by the State counsel her

custodial interrogation is not required. As regards the recovery of amount, separate proceedings in accordance with law are stated to be already pending. Therefore, I find it just and appropriate to grant benefit of pre-arrest bail to the petitioner. Therefore, petition is allowed and pre-arrest bail granted to the petitioner vide order dated 17.03.2017 is confirmed subject to fulfilment of conditions as envisaged under Section 438(2) Cr.P.C.

10.08.2017
Gaurav Sorot

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**