

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

203

CRM-M-9351 of 2017

Date of Decision: May 23, 2017

Jitender

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. AG, Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner seeks concession of pre-arrest bail in FIR No.26 dated 26.06.2015, under Sections 406, 409, 420, 467, 468, 471, 120B of Indian Penal Code and Section 13(1)(d) of P.C. Act, registered at Police Station S.V.B., Hisar, District Hisar.

FIR has been registered primarily on the allegations that the Sarpanch/Panches and other officials of the Rural Development & Panchayat Department have acted in connivance with each other and instead of constructing a Community Centre in the Village in question, have utilized the money unauthorizedly for construction of four streets.

Insofar as the present petitioner is concerned, he is the owner of a firm, who had supplied the construction material and had raised bills accordingly.

On 03.04.2017, the following order was passed by this

Court:-

“Allegations in a nutshell against the petitioner are that in the capacity of sole proprietor of Jai Dadi

Sati Jabdi Enterprises, petitioner had supplied construction material and that was utilized for construction of four roads in the village and correspondingly bills were raised, yet at the stage of evaluation, it was found that the material corresponding to the bills had not been utilized.

It has gone uncontroverted that the entire documentary evidence is already with the Investigating Agency. That apart, co-accused i.e. the Contractor etc. have already been granted benefit of bail.

List on 23.05.2017.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from Inspector Shriram, apprises the Court that the petitioner has since joined investigation.

It has also gone uncontroverted that co-accused i.e. the Sarpanch/Panches and officials of the Rural Development & Panchayat Department, have been granted benefit of bail.

In view of the above, custodial interrogation of the present petitioner would not be warranted.

The prayer made in the present petition is accepted.

The order dated 03.04.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.05.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No