

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

**Criminal Misc.No.M-14365 of 2018 (O&M)**

**Date of decision : 09.05.2018**

Ved Parkash

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

\*\*\*\*

Present: Mr. Rao Ajender Singh, Advocate  
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

Mr. Baldev Singh Badhran, Advocate  
for the complainant(s).

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**RAJ SHEKHAR ATTRI, J.(Oral)**

The petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.48 dated 20.03.2018, registered under Section 409 IPC, at Police Station Kasola, District Rewari.

The petitioner was a Sarpanch of the Gram Panchayat. He was entrusted with public fund of Rs.2,84,53,745/-. However, he did not have any account for an amount of Rs.2,77,33,425/- and in this way, he has misappropriated a huge public fund which was meant for the development of the village.

Learned State counsel has placed on record the inquiry report submitted by Additional Deputy Commissioner, Rewari on 02.01.2018.

Heard.

The petitioner did not have any account for the huge amount of Rs.2,77,33,425/- nor he submitted the expenditure documents. Even, he did not produce the record inspite of the fact that he has been summoned again and again.

The remedy of anticipatory bail is extraordinary and should be used in exceptional cases. The Hon'ble Supreme Court in ***Siddharam Satlingappa Mhetre vs. State of Maharashtra and others 2011 AIR (SC) 312*** pleased to issue the following parameters:-

*“122. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail :*

- i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;*
- iii. The possibility of the applicant to flee from justice;*
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.*
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.*
- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;*
- viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified*

*detention of the accused;*

- ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”*

Keeping in view the facts and circumstances of the case, the petitioner is not entitled to bail.

Accordingly, the instant petition stands dismissed.

( RAJ SHEKHAR ATTRI)  
JUDGE

09.05.2018  
mamta-M

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |