

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

CRM M-17012 of 2018

Date of decision : 30.04.2018

Rajesh Kumar

....Petitioner

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gurmail Singh Duhan, Advocate for the petitioner.

Mr. Sanjeev Kumar Saini, AAG Haryana.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under sections 409, 420 IPC vide FIR No. 0238 dated 27.10.2017 at police station Cheeka, district Kaithal. It has been contended before the court that petitioner has not committed any offence as alleged. No specific role has been attributed to the petitioner. He has been implicated only on the basis of disclosure statement of accused Palo Devi. Thus, he deserves the concession of bail. Learned State counsel has opposed the prayer for bail. He submits that FIR was lodged after a detailed inquiry was conducted by BDPO. According to him, funds meant for development work of the village were in-fact embezzled by Ex. Sarpanch Palo Devi in connivance with Rajesh Kumar (petitioner herein).

I have heard learned counsel for the parties and given careful thought to the facts of case.

FIR was registered on the basis of complaint/letter dated

10.08.2017 made by Raj Kumar, BDPO, Guhla. He stated that he alongwith

other residents of village Dera Bajigar sought information under the RTI Act regarding development work of village Dera Bajigar for the last five years. It transpired that funds meant for development work of the village was being misused by Ex Sarpanch Palo Devi in connivance with the petitioner. An inquiry was conducted by BDPO and found truth in the allegations. It was found that there was a huge embezzlement of Panchayat funds. After registration of FIR, investigation ensued. On the basis of disclosure statement of accused Palo Devi, name of the petitioner surfaced. It appears that in the inquiry conducted by the BDPO, petitioner was found to be involved in the embezzlement of funds meant for development. Specific allegation has been made against the petitioner.

In view of nature of allegations, I am of the considered view that any protective order granted by this court will hamper the investigation. Petitioner is, thus, not entitled to concession of pre-arrest bail. Petition is without any merit and is hereby dismissed.

April 30, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No