

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

CRM-M-16435-2017 (O&M)  
Date of decision: March 22, 2018

Anil Kumar ...Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Rakesh Chopra, Advocate for the petitioner.  
Mr. A.A. Pathak, Addl. Advocate General, Punjab.  
Mr. J.K. Singla, Advocate for the complainant.

**Rajan Gupta, J.**

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420, 465, 468, 471 IPC at Police Station City Rajpura, District Patiala, vide FIR No.92 dated 23.04.2017.

FIR was registered against the petitioner on the complaint made by Raj Kaur, Sarpanch of village Neelpur, with the allegations that before her, petitioner was Sarpanch of the Gram Panchayat and Pardeep Kumar was Panchayat Secretary. On being elected as Sarpanch, complainant demanded records from the Panchayat Secretary which was in possession of the petitioner. However, same was not provided to her. Letters were also written to him through the office of BDPO. Petitioner provided a document to claim that records were handed over to the complainant. During

investigation, it transpired that signatures of complainant were forged on the document and petitioner tampered with the same.

It is evident that record was not allegedly handed over to the present Sarpanch. Vide order dated September 05, 2017, the coordinate bench (A.B. Chaudhari, J.) directed the Block Development and Panchayat Officer as well as Station House Officer to raid house of the petitioner and seize the record to deliver the same to the complainant or the Panchayat. Pursuant to the said order, status report by way of affidavit of Swinder Singh, Block Development and Panchayat Officer, Rajpura was filed, stating that he alongwith Addl. SHO, City Rajpura, conducted raids at the houses and depot of the petitioner in village Neelpur on different dates. Relevant para No.2 thereof reads as under:-

“2. That as per order of this Hon'ble Court dated 05.09.2017, the answering deponent conducted the raid at the house of the petitioner on 02.10.2017, 14.10.2017, 17.10.2017 and 21.10.2017 alongwith SI Shiv Kirpal Singh, Addl. SHO, City Rajpura and team at his residence Village Neelpur, at his depot in the same village Neelpur, at his another house (old house) in village Neelpur, and as per statement of Anil Kumar during initial inquiry that he already handed over the entire record to Randeep Singh, Ex-Sarpanch of village Neelpur on 21.10.2017. Raid was conducted at the house of Randeep Singh also, but no record has been found, but it is clearly found during the raid that record is with the petitioner but he intentionally withheld the same and he was not fully cooperating with the conducting team and creating unnecessary hurdles.”

Keeping in view seriousness of allegations, no case for pre-arrest bail is made out. It is evident that petitioner has not cooperated with the investigating agency. He retained the record of the Panchayat for the reasons best known to him. His custodial interrogation may be

necessary to arrive at a fair conclusion. He is, thus, not entitled to the concession of pre-arrest bail. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)  
JUDGE

March 22, 2018  
'Rajpal'

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|-----------------------------|----------|
| Whether speaking / reasoned | Yes / No |
| Whether Reportable:         | Yes / No |