

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

CRM-M-31670-2018 (O&M)

Date of Decision:- 16.10.2018

Rohtash

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashveer Kharab, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.300 dated 13.8.2017, under Sections 420, 409, 467, 468, 471 IPC, Police Station Madlauda, Panipat.

The allegations, in nutshell, against the petitioner, who is Sarpanch of Village Shera are to the effect that he had embezzled an amount of ₹ 65 lacs while being a Sarpanch.

Learned counsel for the petitioner has submitted that in fact the FIR is based on Assessment order passed by B.D.P.O, Madlauda and that petitioner had challenged the Assessment order by filing a statutory appeal before the Deputy Commissioner, Panipat which was disposed of by the Deputy Commissioner, Panipat vide order dated 25.4.2018 whereby the

assessment order was set aside and the matter was remanded back to B.D.P.O., Madlauda to decide the matter afresh.

Learned counsel for the petitioner has submitted that despite a period of about 5 months having elapsed, no fresh Assessment order has been passed but the police is however proceeding to arrest the petitioner though the very foundation of FIR i.e. earlier Assessment order stands demolished.

The aforesaid position has not been disputed by the learned State counsel, upon instructions from ASI Naresh Kumar.

In view of the aforesaid position, when fresh Assessment order has not been passed by the B.D.P.O., Madlauda, it cannot be said for certainty at this stage that the petitioner had indeed embezzled the amount. Further bearing in mind that the matter in any case is based on documentary evidence, in my opinion, it is a fit case for grant of anticipatory bail. The petition is as such accepted and interim directions issued vide order dated 27.7.2018 are made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed and would fully cooperate with the investigation.

October 16, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No