

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-45449 of 2018
Date of Decision: 22.10.2018

Pawan Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vishwajeet, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.54 dated 17.02.2017 registered for offences punishable under Sections 406/409/420/201 of Indian Penal Code (for short, "IPC") at Police Station Indri, District Karnal.

Heard.

Facts of the case as mentioned in order passed by learned Additional Sessions Judge, Karnal are as follows:-

"3. As per police reply, on 17.2.2017, a letter bearing no.533 dated 7.2.2017 was received in the Police Station from DDPO Indri against former Sarpanch Pawan Kumar alleging therein, that he, being Sarpanch of Village Budheri during his tenure 2010 to 2015, had committed embezzlement in the public fund and as per assessment report submitted by SDO dated 21.12.2016,

during that period, an embezzlement of ₹33,88,817/- was found while getting the development work and further, it was revealed that a sum of ₹11,69,600/- was also embezzled while getting the street lights installed in the village and ultimately, a sum of ₹45,58,417/- was found being embezzled by the Sarpanch Pawan Kumar. Hence, a suitable action was sought against him.”

The petitioner was arrested in this case on 12.06.2017 and after completion of investigation challan against him has been presented in Court.

Learned State counsel submits that charges have been framed in this case but no witness has been examined so far.

The entire case against the petitioner is based on documentary evidence. The witnesses in this case are also Government officials, as such, there are no chances of petitioner tampering with prosecution evidence and prevailing upon its witnesses.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Pawan Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand

withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

October 22, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No