

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46752-2017(O&M)

Date of Decision: 19.02.2018

Smt. Pinki Devi

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vikram Lakhlan, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

Mr. Jagjeet Beniwal, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.193 dated 15.10.2017 under sections 409, 420, 467, 468 and 471 I.P.C, registered at Police Station, Loharu, District Bhiwani.

While issuing notice of motion, the following order was passed by this Court on 8.12.2017:-

“Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No. 193 dated 15.10.2017 registered under Sections 409, 420, 467, 468 and 471 IPC at Police Station Loharu, District Bhiwani.

According to the prosecution, during the period from 2010-2015, the petitioner being Sarpanch of the village while disbursing the old age and widow pension to 18 persons has embezzled an amount of ₹ 34,200/-, which she deposited after order of Lokayukt along with interest i.e. ₹ 52,257/-.

Learned counsel inter alia contends that the petitioner had deposited the alleged embezzled amount, 10

months prior to the registration of instant FIR, therefore, is not required for any custodial interrogation. Nothing has to be recovered from her.

Learned counsel for the complainant, who appeared on his own without filing any Vakalatnama, vehemently oppose the prayer for grant of anticipatory bail to the petitioner. He is directed to file Vakalatnama in the Registry, by the next date of hearing.

Notice of motion for 19.02.2018.

Considering the overall facts and circumstances, but without commenting upon the merits of the case, the petitioner is directed to join investigation as and when called by the Investigating Officer. In the event of arrest, she shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. She shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Rajvir Singh would apprise the Court that the petitioner has since joined investigation and is cooperating in the matter.

Even learned counsel appearing for the complainant does not controvert the factual premise that against the allegations of the petitioner having embezzled an amount of Rs.34,200/- that was meant for old age pension, petitioner has deposited the amount along with interest i.e. a total of Rs.52,257/- in pursuance to the orders passed by the Lok Aayukt.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 8.12.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.02.2018

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