

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5254-2018 (O&M)
Date of decision: 30.07.2018

Ashok Kumar @ Kamra

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P. Arora, Advocate and
Mr. Himanshu Arora, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.753 dated 19.11.2017 under Sections 409, 420, 467, 468, 471, 120-B IPC, registered at Police Station City Bhiwani, District Bhiwani.

On 15.02.2018, following order was passed: -

“Counsel for the petitioner submits that the complainant Shalu Tanwar has lodged a complaint with regard to embezzlement in the distribution of old age pension of two persons namely Kitab son of Gulzari and Mahender son of Kanhaiya, pertaining to the period 01.04.2009 to 01.04.2010. It is stated in the FIR that in fact the old age pension was not distributed to these two persons and on the basis of fake ration cards, said amount has been embezzled

in connivance with the employees of the Social Welfare Department.

Counsel for the petitioner has further submitted that in fact the complainant has lost elections of Municipal Councillor against his wife i.e. co-accused Jyoti Kamra and is settling the personal vendatta in this regard. It is further submitted that during the period, the allegations pertain to distribution of the old age pension, the petitioner was not the Municipal Councillor and his wife co-accused Jyoti Kamra was the Municipal Councillor and she has already been arrested. It is also submitted that no action has been taken against any of the employee of the Social Welfare Department, who have allegedly prepared the ration card and distribution of old age pension against the abovementioned two persons was stopped in January 2012 and till date, those persons have not lodged any complaint with the police and it is only the complainant who has given a complaint to the police in this regard. On this complaint, inquiry was conducted and the FIR was registered. It is thus submitted that there is no explanation of delay from 2011 to 2017, as in the intervening period, the said two persons have not lodged any complaint with any of the authority.

Learned State counsel, on instructions from ASI Ved Singh, submits that co-accused Jyoti Kamra, wife of the petitioner, has already been arrested and allegations against the petitioner are that since he was subsequently elected as Municipal Councillor, he had attested the copies of the ration cards, which are stated to be fake documents.

Learned counsel appearing for the complainant also submits that on seeking the information under the Right to Information Act, 2005, it came to the notice of the complainant that the ration cards in the name of Kitab and Mahender were fake documents, on the basis of which, the old age pension was withdrawn in the year 2009-2010 and subsequently, it was

stopped. It is further submitted that since the petitioner is husband of co-accused Jyoti Kamra, the then Municipal Councillor and later on the petitioner himself became the Municipal Councillor, therefore, they were in conspiracy with each other.

In reply, learned counsel for the petitioner has submitted that without prejudice to his rights, during the course of trial, the petitioner is ready to deposit the amount of Rs.26,800/- with the Social Welfare Department.

In view of the above, petitioner is directed to appear before the Investigating Officer on 22.02.2018 at 10.00 a.m. to join investigation or any other date as fixed by the Investigating Officer. The petitioner will deposit the aforesaid amount with the Social Welfare Department and submit a receipt to the Investigating Officer. The deposit of the aforesaid amount shall be subject to the right of taking all pleas and defence by the petitioner during the course of trial. The petitioner will be released on interim bail on furnishing bail/surety bonds subject to the following conditions: -

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.”*

Learned State counsel, on instructions from SI Rajbir Singh, submits that the petitioner has joined the investigation and he is no more required for further investigation. It is further submitted that the petitioner has deposited the disputed amount of Rs.26,800/-.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 15.02.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

30.07.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No