

CRM-M-NO. 21275 OF 2018(O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-NO. 21275 OF 2018(O&M)
Date of Decision: 23.04.2019

Ram KumarPetitioner

versus

State of Haryana and anotherRespondents

CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr.Balram Parashar, Advocate
for Mr. Jagmohan Ghuman, Advocate for the petitioner.
Mr. Yashwinder Singh, DAG, Haryana.
Mr.Santlal Barnala, Advocate for respondent no.2-complainant.

MAHABIR SINGH SINDHU, J (ORAL)

CRM-11030-2019

CRM is for recalling the order dated 21.02.2019, passed by this Court.

It is contended by learned State counsel that on account of lapse on the part of four officials, order dated 30.10.2018 passed by this Court, could not be complied with and that led to the imposition of costs of Rs.1,00,000/- to be paid by Deputy Commissioner, Hisar.

In view of the averments made in the application, order dated 21.02.2019 is modified and liberty is granted to respondent-State of Haryana to recover the costs of Rs.1,00,000/- proportionately from the erring official(s).

CRM stands disposed off.

Main Case

Present petition has been filed under Section 438 of the Code of

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Criminal Procedure (for short 'Cr.P.C.') for grant of pre arrest bail to the petitioner in complaint No. 494-I of 2014 dated 23.07.2014 under Sections 409, 467, 471 and 120-B of the Indian Penal Code, 1860 (for short 'IPC').

This Court on 18.05.2018 passed the following order :-

“Notice of motion for 20.8.2018.

Mr. Sant Lal Barwala, Advocate has appeared for the complainant and filed his memo of appearance which is taken on record.

On the asking of this Court, Mr. Brijesh Sharma, AAG, Haryana, who is present in Court, accepts notice on behalf of the State. Learned counsel for the petitioner undertakes to supply one set of the paperbook to learned State counsel during the course of the day.

The petitioner has been summoned in a private complaint. He is Sarpanch of village Hasangarh. It is alleged that certain workers employed by the petitioner were being paid under the Scheme Mahatma Gandhi National Rural Employment Guarantee Scheme and those persons were also working on daily wage basis somewhere else. However, learned counsel for the petitioner has placed on record extract from The National Rural Employment Guarantee Act, 2005 with regard to modes of payment to the workers.

Meanwhile, if the petitioner surrenders before the trial Court, he be treated on interim anticipatory bail subject to the satisfaction of the learned trial Court.

Status report be also submitted. ”

It is contended by learned counsel for the petitioner that in terms of the order dated 18.05.2018, passed by this Court, the petitioner has already joined the proceedings before learned trial Court and is regularly

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appearing.

The above factual position is not disputed by learned counsel
for respondent no.2 - complainant.

In view of the above, the interim order dated 18.05.2018
is made absolute, subject to the conditions as envisaged under Section
438(2) Cr.P.C and the present petition is disposed off.

However, petitioner is directed to appear before the learned trial
Court regularly.

23.04.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No