

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-22243-2018 (O&M)
Date of Decision:-28.5.2019

Sarbati Devi

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

Mr. G.C. Shahpuri, Advocate with
Mr. Sajid, Advocate for respondent No.2.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking quashing of FIR No.105 dated 18.5.2016 registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar under Sections 420, 465, 467, 468, 471, 409 and 120-B of Indian Penal Code, 1860.

The allegations, in nutshell, are to the effect that the petitioner, while holding the office of Sarpanch had issued fake and forged bills of ₹2,25,000/- for levelling the land of village. It is further alleged that inferior quality bricks had been used for constructing the path/street and a loss of ₹4,48,255/- had been caused. It is further alleged that while the depth of the bore in respect of tubewells made in the village was shown to be 300 feet,

whereas infact the depth of the same was barely 100 feet and thus the Ex.- Sarpanch had cheated and embezzled lacs of rupees.

The learned counsel for the petitioner has submitted that infact notice of recovery of an amount of ₹6,13,020/- had been issued to the petitioner, which included an amount of ₹4,48,225/- on account of the alleged use of inferior tiles, but the said notice has been set aside in appeal by the Deputy Commissioner vide order dated 16.8.2017 (Annexure P-6).

I have heard the learned counsel for the petitioner and also the learned State counsel.

Having regard to the nature of allegations and while also noticing the order dated 16.8.2017 (Annexure P-6) passed by the Deputy Commissioner, the petition is disposed of with liberty to the petitioner to raise all the points raised herein before the trial Court at the stage of framing of charges as the matter is stated to be presently at the stage of considering framing of charges. The trial Court shall pass a speaking order after considering all the points raised before it.

It is further ordered that since the petitioner is stated to be aged 71 years, therefore, in case any application for exemption from personal appearance is filed by the petitioner, the same shall be considered sympathetically in accordance with law.

28.5.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No