

204-2

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-26135 of 2018

Date of decision: July 09, 2019

Kitab Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kiran Pal Singh, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

Mr. Santlal Barnala, Advocate
for respondent No.2-complainant.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in complaint No.494-I of 2014 dated 23.07.2014, under Sections 409, 467, 471, 120-B of Indian Penal Code, 1860, at Police Station Barwala.

Allegation against the petitioner is that he along with co-accused made false attendance in attendance register and embezzled public money under MNREGA scheme.

Contentends that in terms of order dated 15.06.2018 passed by this Court, petitioner has already joined proceedings before the learned trial Court and is appearing regularly.

The above factual position is duly acknowledged by

learned State counsel, on instructions from police official present in Court, as well as learned counsel for respondent No.2.

On 15.06.2018, while issuing notice of motion, this Court has passed the following order:-

“Relies on order dated 18.05.2018 passed in CRM-M-21275-2018 titled as Ram Kumar versus State of Haryana and another.

Notice of motion for 20.08.2018.

Interim order in the same terms.”

On 18.05.2018, this Court has passed the following order in CRM-M-21275 of 2018 titled as 'Ram Kumar versus State of Haryana and another':-

“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 paper-book 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.”

Since main accused, namely Ram Kumar has already been granted concession of pre-arrest bail by this Court in CRM-M-21275 of 2018, decided on 23.04.2019, consequently, petitioner is also

entitled for the similar relief.

In view of the above, order dated 15.06.2018 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 09, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**