

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

CRM-M-33489-2018

Date of decision: 29.08.2019

Parmila

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sushil Sheoran, 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.227 dated 10.10.2016 under Section 409 IPC, registered at Police Station Bond Kalan, District Charkhi Dadri.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner, who was Sarpanch of the village for the period 2010-2015, has allegedly given the shamlat land on lease to one Naresh Kumar for Rs.3.10 lacs and has not deposited the amount with the Gram Panchayat. It is further submitted that there is no record with the Panchayat regarding conducting the auction in presence of the Block Development and Panchayat Officer and on account of rivalry with the present Sarpanch, by manipulating the record, this recovery is shown against the petitioner.

Learned State counsel, on the basis of reply by way of affidavit of DSP, HQ, Charkhi Dadri and on instructions from ASI Raj Kumar, has not disputed the factual position, however, submitted that the amount is yet to be recovered.

In reply, learned counsel for the petitioner has submitted that there is a specific provision under Section 53-A of Haryana Panchayati Raj Act for effecting the recovery from ex-Sarpanch, if the same is within the period of limitation.

After hearing learned counsel for the parties, without commenting anything on merits of the case, this petition is allowed and the interim bail granted to the petitioner vide order dated 06.09.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

29.08.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No