

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

CRM-M-38118-2018 (O&M)

Date of Decision:- 5.3.2019

Ashok Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bijender Dhankhar, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

Mr. Sunil Panwar, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner – Ashok Kumar seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.273, dated 19.7.2018, registered at Police Station Pataudi, District Gurugram, under Sections 420 and 409 IPC.
2. Reply by way of affidavit of Veer Singh, HPS, Assistant Commissioner of Police, Pataudi, Gurugram has been filed. The same is taken on record.
3. The FIR was registered at the instance of present Sarpanch namely Smt. Bimla Devi, against the ex-Sarpanch Ashok Kumar, wherein it

has been alleged that the ex-Sarpanch i.e. the petitioner had withdrawn money illegally from the Panchayat account by forging bills and that the record of the earlier two Sarpanches also needs to be checked. It is alleged that Varinder BDPO and Ex Sarpanch Ashok Kumar had purchased land in the names of their wives and in order to increase its value and potential they had got a passage constructed leading to their farm, out of the Panchayat funds whereas several other streets in the village were uneven and had not been made with concrete and that as such the amount had not been utilized for the purpose for which it was meant. It has further been alleged that various other amounts had been withdrawn by showing development works, which had in fact never been done.

4. Notice of this petition was issued to State.
5. Learned State counsel as assisted by learned counsel for the complainant has submitted that there are serious allegations against the petitioner and that the complicity of the petitioner as well as of the earlier BDPO is evident. Learned State counsel has submitted that it is correct that there are several roads within the village which needs maintenance and that the Sarpanch should have given priority to the roads and passages within the village rather than making a new road leading to his farm.
6. Having considered rival submissions addressed before this Court, I find that it is a case which is based mainly on documentary evidence and which certainly cannot be said to be within the domain of the petitioner as he is no longer a Sarpanch of the village. Having regard

to the nature of allegations, in my opinion, it is a fit case for grant of anticipatory bail more particularly when the petitioner is already stated to have joined investigation and is not stated to be required for any purpose. The petition, as such, is accepted and interim directions issued vide order dated 4.9.2018 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

March 5, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No