

CRM-M No.43 of 2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.43 of 2018

Date of Decision: 28.02.2019

Roshni Devi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr.Pankaj Bali, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of pre arrest bail to the petitioner in case FIR No.47 dated 11.02.2017, under Sections 409 and 420 of the Indian Penal Code, 1860 registered at Police Station Kurukshetra University, Kurukshetra.

Allegations in the present case are regarding embezzlement of Panchayat funds by the petitioner working as a Sarpanch from the period April 2010 to July 2015.

While issuing notice of motion, this Court passed the following order on 04.01.2018 :-

“Contends that the petitioner, who was Sarpanch in the previous term had spent the amount on various public works, which were duly verified by Secretary of the Gram Panchayat.

Learned counsel for the petitioner refers to Annexure P-3 invoices showing expenditure.

Notice of motion for 22.01.2018.

In the meantime, in the event of arrest, the Arresting Officer shall release the petitioner on interim bail. Petitioner is directed to join the investigation and submit details to the Police regarding the expenditure.”

On October 23, 2018, learned State counsel pointed out that petitioner did not comply with the above order and consequently, she was again directed to join investigation and the matter was adjourned to 15.01.2019. On that day also, learned State counsel, on instructions from SI Jeet Singh, stated that petitioner is not cooperating with the Investigating Officer, but the same was seriously disputed by learned counsel for the petitioner. As a result, thereof, Investigating Officer was directed to be present along with the complete papers on 21.02.2019, but he did not turn up and consequently this Court was constrained to pass an order that petitioner as well as Investigating Officer both be present on 28.02.2019.

Today, at the very outset, learned State counsel, on instructions from Investigating Officer has pointed out that petitioner joined the investigation on 27.02.2019 and complied with the order dated 04.01.2018. Also stated that her custodial interrogation is not required.

In view of above, the interim order dated 04.01.2018 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

However, before parting with the order, it is necessary to record that petitioner is a female of more than 70 years of age and is in the evening of her life. Thus, it seems that Investigating Officer did not show any sensitivity in the matter and created a situation to order for her personal

appearance without any good reason, therefore, this Court was inclined to impose exemplary costs, to be paid by the Investigating Officer, but taking a lenient view, close the matter by expressing displeasure.

28.02.2019 (MAHABIR SINGH SINDHU)
mamta JUDGE

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