

CRM-M-21329-2019 (O&M),  
CRM-M-21331-2019 (O&M), and  
CRM-M-21348-2019 (O&M)

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

1. CRM-M-21329-2019 (O&M)  
Date of decision : 10.05.2019

Ashok Kumar Sharma

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-21331-2019 (O&M)  
Date of decision : 10.05.2019

Ishwar Singh

...Petitioner

Versus

State of Haryana

...Respondent

3. CRM-M-21348-2019 (O&M)  
Date of decision : 10.05.2019

Udai Bhan

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Ms. Jaspreet Kaur, Advocate for the petitioner  
(In CRM-M-21329-2019)

Mr. Deepak Sonak, Advocate for the petitioner

CRM-M-21329-2019 (O&M),  
CRM-M-21331-2019 (O&M), and  
CRM-M-21348-2019 (O&M)

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(In CRM-M-21331-2019)

Mr. S.S. Khurana, Advocate for the petitioner  
(In CRM-M-21348-2019)

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**ANIL KSHETARPAL, J. (ORAL)**

Through this order, CRM-M-21329-2019, CRM-M-21331-2019 and CRM-M-21348-2019 shall stand disposed of.

Prayer in all these petitions is to grant anticipatory bail to Ishwar Singh, petitioner in CRM-M-21331-2019, the then Sarpanch, whereas Ashok Kumar Sharma, petitioner in CRM-M-21329-2019, a Junior Engineer, whereas Udai Bhan, petitioner in CRM-M-21348-2019 was a Assistant Soil Conservation Officer.

There are allegations of embezzlement of funds by them. Detailed inquiry has been conducted through Dinesh Kumar, Inspector and, thereafter, case was registered. As per the enquiry report, fraudulent muster rolls were prepared by showing forged name of labourers to whom payments were shown to have been made, although, work was got done through J.C.B. machine and tractors.

Learned counsel appearing for Sarpanch has submitted that in view of Section 53 of the Haryana Panchayati Raj Act, 1994, Sarpanch cannot be called upon to explain and make good any loss after expiry of 6 years from the occurrence. The aforesaid provision deals with the civil liability. In the present case, the alleged embezzlement is stated to have been taken place in the year 2006 as well as 2010. Enquiry thereafter was instituted and report as noticed above was received on 08.01.2012. Hence,

this Court does not find any substance in the argument of the learned counsel for the Sarpanch.

As regards argument of learned counsel for Udai Bhan that the petitioner was associated with work only for a short duration in the year 2010, it may be noted that investigation in the case are still in progress and there are serious allegations of manipulation and fudging of the records.

Learned counsel has further submitted that Udai Bhan has retired and is now 67 years old. At the cost of repetition, once in the year 2012 itself, enquiry report had been received, this Court does not find substance in the argument of the learned counsel for Udai Bhan.

Learned counsel appearing on behalf of Ashok Kumar Sharma, has submitted that as per the scheme, entire work was to be got carried by the Panchayat and, therefore, Junior Engineer is not at fault. Junior Engineer is required to supervise and cross-check the work carried out.

It would not be proper for this Court to record any finding lest it may prejudice the case of the parties. However, no ground is made out to grant anticipatory bail to the petitioners.

Accordingly, all the petitions are dismissed.

**10.05.2019**

*Pawan*

**(ANIL KSHETARPAL)**  
**JUDGE**

**Whether speaking/reasoned:-**                      **Yes/No**

**Whether reportable:-**                                      **Yes/No**