

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

CRM-M-468-2018(O&M)
Date of decision:15.05.2019

RAJBIR SINGH MALIK

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

CRM-36336-2018

In view of the reasons mentioned in the application, the same is allowed and Resolutions dated 7.6.2012 and 13.6.2013 are taken on record as Annexures P-6 and P-7 subject to all just exceptions.

CRM-M-468-2018

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.137 dated 15.3.2017 under Sections 120-B, 406 and 420 IPC, Police Station Sadar, Bahadurgarh, District Jhajjar.
2. The allegations in nut-shell are that the petitioner had remained 'Sarpanch' during the period 2009-2014 and during the said period an amount of ₹2,14,27,497/- is shown to have been released for various development works for the village and that an amount of

₹66,54,653/- has been misappropriated.

3. Learned counsel for the petitioner has submitted that he has joined investigation and has been associating with the investigation since last more than one year and has furnished details in respect of the amount spent. Learned counsel in this regard has also drawn attention of this Court to Resolution dated 7.6.2012 (Anneuxre P-6) vide which it was resolved that pond of the village be filled with sand and be brick-lined and another pond be excavated. Learned counsel has further submitted that in fact the entire accounts in respect of development undertaken have already been furnished to the Executive Engineer.
4. Opposing bail application, learned State counsel has submitted that since huge amount has been mis-appropriated and it has not been totally accounted for, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. Since it is a case which basically involves tallying of accounts and furnishing of the accounts by the '*Panchayat*' concerned and regarding which the petitioner who was '*Sarpanch*' at the time of misappropriation has given accounts to the Executive Engineer, I find that it is a case based totally on documentary evidence. Since the petitioner has already joined investigation since last more than one year, I do not find it to be a case of custodial interrogation. Accordingly the petition is accepted and the interim directions

issued vide dated 10.01.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

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

(GURVINDER SINGH GILL)
JUDGE

15.05.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No