

CRM-M-52113-2018

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

CRM-M-52113-2018

Date of Decision: 11.01.2019

Raj Devi (Ex. Sarpanch)

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ajay Ghangas, Advocate,
for the petitioner.

Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana.

Mr. Gursimran Singh Bawa, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.21 dated 21.01.2018, registered at Police Station Israna, Panipat, under Sections 409 and 420 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that as per the allegations in the FIR, itself, present petitioner-Raj Devi remained Sarpanch from 2005 to 2010. It

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is stated in the FIR that she has committed a scam of ₹3,67,188/-. However, nothing has been mentioned in the FIR as to how this amount has been calculated.

Learned counsel for the petitioner submits that before passing of the order by B.D.P.O., no opportunity of being heard was granted to the petitioner. Otherwise also, if any offence has been committed regarding any embezzlement from 2005 to 2010, then as to why action has not been taken at the earliest. The FIR has been registered in the year 2018.

In pursuance of the interim order dated 04.12.2018 passed by this Court, the petitioner has already joined the investigation. She is not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in this petition, the same is allowed. The order dated 04.12.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

However, nothing stated above shall constitute my opinion on merits of the case.

11.01.2019
parveen kumar

(INDERJIT SINGH)
JUDGE

Note: Whether speaking/reasoned : Yes
Whether reportable : No