

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52229-2018

Date of decision: 01.03.2019

Ajit Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Mohunta, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. S.K. Yadav, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.585 dated 07.10.2018 under Section 406 IPC, registered at Police Station Mahendergarh, District Mahendergarh.

On 30.11.2018, following order was passed by this Court :-

“After hearing learned counsel for the parties and going through the report dated 26.09.2018, it appears that there is a dispute with regard to handing over the charge by the previous Sarpanch Ratani Devi to the present Sarpanch (petitioner herein) and regarding use of the building/other materials which was purchased by the previous Sarpanch as well as by the present Sarpanch.

As per contentions of learned counsel for the petitioner, the petitioner is ready to face the regular enquiry and to explain the materials purchased by the Gram Panchayat during his tenure, if a technical committee headed by the Executive Engineer, Panchayati Raj is directed to conduct an enquiry.

Learned counsel for the petitioner further submits that petitioner is ready to deposit an amount of Rs.5 Lakh with the Block Development and Panchayat Officer, Kanina, within three months from today, subject to final outcome of the regular enquiry. The said amount will remain deposited in an FDR for the Gram Panchayat and in case, the petitioner is exonerated in the enquiry, the said amount will be returned to him.

Learned State counsel, on instructions from ASI Satyawar, assisted by Mr. Om Parkash, Block Development and Panchayat Officer, Kanina, submits that the petitioner be directed to join investigation and also face the regular enquiry being conducted by the department.

List again on 01.03.2019.

In the meantime, the petitioner is directed to deposit an amount of Rs.5 Lakh with the Block Development and Panchayat Officer, Kanina on or before 30.01.2019 and the said amount will be kept in the form of an FDR by the Block Development and Panchayat Officer, Kanina.

In the meantime, Executive Engineer, Panchayati Raj, Narnaul is directed to conduct an enquiry regarding allegations

against the petitioner and after doing physical verification, submit his report to this Court before the next date of hearing.

On the request of learned counsel for the complainant, Ex. Sarpanch Ratani Devi is also directed to join the enquiry.

Till the next date of hearing, arrest of the petitioner is stayed, subject to the conditions as provided under Section 438 (2) Cr.P.C. ”

Learned counsel for the petitioner submits that the petitioner has already deposited the amount of Rs.5.00 lacs and has placed on record copy of the receipt.

Learned counsel for the complainant submits that the enquiry to be conducted by the Executive Engineer is yet to start.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 30.11.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

It is directed that enquiry be concluded within a period of six months from today. In case the petitioner is exonerated in the enquiry, the amount shall be returned to him.

[ARVIND SINGH SANGWAN]
JUDGE

01.03.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No