

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-29730 of 2019  
Date of Decision: September 13, 2019.

Aarif

.....Petitioner

versus

State of Haryana

.....Respondent

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

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Present: Mr.Mohammad Arshad, Advocate, for the petitioner.

Mr.Munish Bansal, DAG, Haryana.

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**Anil Kshetarpal, J.** (Oral)

On 16.07.2019, the following order was passed:-

“Learned counsel for the petitioner contends that the petitioner before this Court was not office bearer of the Gram Panchayat. He further submits that without any preliminary or final enquiry, petitioner has been sought to be implicated on the ground that the resolution through which decision was taken to withdraw the amount is in the handwriting of the petitioner. Learned counsel for the petitioner submits that the petitioner is ready to join the investigation and cooperate.

Notice of motion for 28.08.2019.

Mr. Saleem Ahmad, Advocate, has put in appearance on behalf of the first informant.

On asking of the Court, Mr. Satish Saini, DAG, Haryana, accepts notice on behalf of the State.

Let copies of the petition be handed over to Mr. Saleem Ahmad, Advocate and Mr. Satish Saini, DAG, Haryana, during the course of the day.

In the meantime, petitioner is directed to join the investigation and cooperate. In the event of arrest, the petitioner shall be released on interim bail subject to

furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

On 28.08.2019, keeping in view the request made by the learned State counsel, the petitioner was directed to give his writing/ admissible writing to the Investigating Agency to facilitate the examination by the Forensic Science Laboratory. Learned State counsel has admitted that the petitioner has complied with the order dated 28.08.2019.

Learned State counsel, on instructions from ASI Bhupinder Singh, has submitted that although the petitioner has joined the investigation, however embezzled amount is yet to be recovered. Hence, interim protection should not be extended.

The embezzlement of the amount is yet to be proved and established. At this stage, stand taken is pre-mature. Hence, the order dated 16.07.2019 is made absolute subject to the provisions of Section 438(2) Cr.P.C.

However, it is clarified that the petitioner shall continue to cooperate with the trial Court and shall not seek any unnecessary adjournment.

The petition stands disposed of.

**September 13, 2019**  
*mohinder*

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

**Whether speaking/reasoned**  
**Whether Reportable**

**:**  
**:**

**Yes/No**  
**Yes/No**