

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

CRM-M-39028-2019 (O&M)

Date of decision : 13.09.2019

Des Raj (Ex-Sarpanch)

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of anticipatory bail in FIR No.315 dated 17.08.2019 registered under Sections 409, 420 of the Indian Penal Code at Police Station Madlauda, District Panipat.

Petitioner is a Ex-Sarpanch of Gram Panchayat, Rair Kalan. After enquiry, competent authority passed an order for recovery of ₹1,87,52,369/- out of which ₹1,17,34,783/- is the principal. It is undisputed that the appeal against the aforesaid order passed by the competent authority has already been dismissed.

Learned counsel submits that he has challenged the proceedings before the Financial Commissioner which is pending.

On pointed question, he failed to establish that there is any stay of recovery granted by the Financial Commissioner. Hence, amount is due and payable. Obviously, the amount is on account of misappropriation and

embezzlement of Panchayat funds which are allocated for the welfare of the village.

Next argument of the learned counsel for the petitioner is to the effect that such recovery can only be effected within a period of 2 years. Criminal case has not been registered for recovery of the amount. Limitation for a criminal offence is governed by Section 468 of the Criminal Procedure Code.

In this case, learned counsel for the petitioner has failed to show how the FIR has been registered beyond the time prescribed under Section 468 Cr.P.C.

Keeping in view the facts of the case, this Court is not inclined to grant concession of pre-arrest bail to the petitioner.

Accordingly, the present petition is dismissed.

13.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No