

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

**CRM-M No.48447 of 2019
Decided on: 05.12.2019**

Amit Kumar @ Mitta and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.195 dated 25.06.2019 registered under Sections 120-B, 409, 420, 467, 468, 471 IPC at Police Station Asauda, District Jhajjar.

The operative part of the order dated 15.11.2019, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“....Counsel for the petitioners has submitted that the petitioners are not named in the FIR and the allegations in the FIR are against Anil Kumar, Sarpanch and one Ajay Ranga, who allegedly have withdrawn the amount from the Panchayat fund. It is further submitted that both of them i.e. Anil Kumar, Sarpanch and Ajay Ranga, stands arrested and challan qua them is already presented before the trial Court. It is further argued that the petitioners are nominated in the present FIR on the basis of the disclosure statement of Anil Kumar, Sarpanch that he has handed over certain amount to the petitioners and except the disclosure statement, there is no other evidence against the present petitioners as no enquiry has been conducted in this regard

Notice of motion for 05.12.2019....”

Counsel for the petitioners has submitted that, in

pursuance to the order dated 15.11.2019, the petitioners have appeared before the Investigating Officer and have joined the investigation.

Counsel for the petitioners has further argued that except the disclosure statement of the co-accused namely Anil Kumar, Sarpanch of village Kheri Jasor, there is no other evidence that he had given any amount to the petitioners. It is also submitted that the petitioners have no concern with the management of the Gram Panchayat and the amount has been withdrawn under the signatures of the Sarpanch and the Block Development and Panchayat Officer. It is further argued that both the main accused, Anil Kumar Sarpanch and Ajay Ranga, the Panchayat Secretary along with two other co-accused namely Satpal and Raj Singh are in custody.

Counsel for the State, on instructions from ASI Azad Singh has argued that though the petitioners have joined the investigation however, some amount is to be recovered from them.

Without commenting anything on merits of the case, considering the submissions made by counsel for the parties and also in view of the fact that the petitioners are nominated only on the basis of the disclosure statement of the co-accused, this petition is allowed and the interim bail granted to the petitioners vide order dated 15.11.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

05.12.2019

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No