

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

**CRM-M No.64626 of 2018 (O&M)
Date of Decision: 13.02.2019**

Krishan Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

Mr. Sanjeev Kumar Birla, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.722 dated 11.12.2018, under Section 409 of the Indian Penal Code, registered at Police Station Mohindergarh, District Mohindergarh.

Allegations, in brief, are that petitioner has not deposited the amount of ₹ 2,22,308/- in the Gram Panchayat's Account, while working as Sarpanch of Gram Panchayat Gulawala, Tehsil & District Mahendragarh.

This Court, while issuing notice of motion on 26.12.2018, passed the following order:-

“ Learned counsel for the petitioner, on instructions from his client, who is present in the Court, undertakes that 50% of the amount in question i.e ₹ 2,22,308/- shall be deposited in the Gram Panchayat Fund within one week.

Notice of motion for 13.02.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

It is made clear that 50% of the deposit within a period of one week from today shall be subject to the final outcome of the FIR No.722 dated 11.12.2018, under Sections 409 IPC, registered at Police Station Mohindergarh, District Mohindergarh and the same shall not be construed prejudicial to the interest of the petitioner. ”

Today, learned Counsel for the petitioner has stated that in terms of aforesaid order, his client has already deposited an amount of ₹ 1,11,154/- in favour of the Gram Panchayat, vide Receipt dated 31.12.2018. Copy of the same is retained on record as **Mark 'X'**.

The above factual position is duly acknowledged by learned State Counsel as well as Counsel representing the Gram Panchayat.

In view of above, interim order dated 26.12.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The receipt of ₹ 1,11,154/- shall be subject to final decision of FIR No.722 dated 11.12.2018, under Sections 409 IPC, registered at Police Station Mohindergarh, District Mohindergarh.

The observations may not be considered as an expression of opinion on the merits of the case.

February 13, 2019

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(MAHABIR SINGH SINDHU)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>