

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52022-2019

Date of decision : 12.12.2019

Prem

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.195 dated 25.06.2019, under Sections 120-B, 409, 420, 467, 468, 471 of the Indian Penal Code (in short 'IPC') registered at Police Station Asauda, District Jhajjar.

Counsel for the petitioner relies upon the order dated 26.11.2018 passed in CRM-M-49061 of 2019 vide which co-accused Ajay alias Babloo was granted the concession of bail in FIR No.195 dated 25.06.2019, for offence punishable under Sections 409, 420, 467, 471 and 120-B of the Indian Penal Code, registered at Police Station Asauda, District Jhajjar. The operative part of the order reads as follows:-

“Counsel for the petitioner has submitted that the FIR has been registered at the instance of the Block Development and Panchayat Officer, Bahadurgarh with the allegation

that Pardeep Singh Gram Sachiv, Kheri Jassaur has reported him that the Bank Manager, Anil Sarpanch, Gram Panchayat, Kheri Jassaur and Ajay Ranga, Gram Sachiv, Block Bahadurgarh, in connivance with each other, have fraudulently withdrew huge amount from the Gram Panchayat Account maintained with Sarav Haryana Gramin Bank. It is further stated in the FIR that on inspection, it is found that Anil Kumar, Sarpanch Kheri Jassaur and Ajay Ranga, Gram Sachiv, who was not the Secretary of the Gram Panchayat Kheri Jassaur, in connivance with each other, have prepared a false resolution and by submitting the same to the Bank, showing Ajay Ranga as Secretary of Village Kheri Jassaur and by forging the signatures of the complainant regarding the verification of Ajay Ranga and Anil Kumar Sarpanch, have embezzled 14-15 crores of rupees. It is further argued that during the investigation, the police arrested one Satpal @ Kala and on his disclosure statement, the name of the present petitioner has been surfaced in the FIR.

Counsel for the petitioner has also submitted that the petitioner is not concerned with the dealing and working of the Gram Panchayat of the village. It is also argued that the primary allegations are regarding two resolutions, which were prepared by Anil Kumar and Ajay Ranga. It is further submitted that the investigation is complete and the petitioner is in custody since 20.07.2019; challan stands presented and the conclusion of the trial will take some time as the offences are triable by the Court of Magistrate, therefore, the petitioner may be granted the concession of regular bail.”

Learned State counsel, on instructions from ASI Azad Singh, has

however submitted that the amount of Rs. 28 lakhs was recovered form the

petitioner. However, it is submitted that the investigation is complete qua him and challan has been presented.

A perusal of the custody certificate filed by learned State counsel in Court today shows that the petitioner is in custody for the last more than four months and since the offences are triable by the Court of Magistrate and he is not involved in any other case, the present petition is allowed and the petitioner is directed to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court'/Ikllaqa Msagistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

12.12.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No