

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2917-2020 (O&M)
Date of Decision:- 18.2.2020

Rajpal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Kumar Sehrawat, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana,
assisted by ASI Fate Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.349, dated 5.6.2018, Police Station Samalkha, District Panipat, under Section 181 of the Haryana Panchayati Raj Act, 1994 and Section 420 IPC (Sections 467, 468, 471, 171-G, 120-B IPC added later on).
2. The FIR in question was lodged at the instance of the Block Development and Panchayat Officer, who made a written complaint to SHO concerned to the effect that a complaint had been received from Sh. Sandeep who alleged that he had contested the election of

Sarpanch on 17.1.2016 and had lost on account of the fact that the present Sarpanch Rajnish, ex-Sarpanch Smt. Birmati and the then BLO (Booth Level Officer) had connived so as to make bogus votes in the name of certain children who were below 18 years of age and persons who had already expired and had also made votes of certain persons twice over and had also not deleted their names from the voters list. The matter was got inquired by the SDO (Civil), Samalkha and it was found that Sachin, Priti Rani, Pankaj, Rajesh, Ankit and Sonia had attached forged documents along with their Form 1(k) for being registered as a voter and that their votes were prepared on the basis of the forged documents.

3. Learned counsel for the petitioner has submitted that he in the capacity of BLO had discharged his official duties on the basis of the documents which were produced before him and that he had no means to verify about the genuineness of the documents produced by the applicants who had submitted Form 1(k) for getting themselves registered as voters. It has further been submitted that the co-accused of the petitioner have already been granted bail and the petitioner deserves bail on the ground of parity as well.
4. Opposing the petition, learned State counsel has submitted that it was the duty of the petitioner to have exercised due diligence and to have got the facts verified before registration of voters. It has however, been informed that challan already stands presented and that till date not even a single PW out of the cited 31 PWs has been examined.

5. I have considered rival submissions addressed before this Court. Without commenting anything on merits of the case and while noticing that the challan already stands presented and that conclusion of trial will take time as not even a single PW out of the cited 31 PWs has been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

February 18, 2020

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No