

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

CRM-M No.11996 of 2020
Date of decision: 12th May, 2020

Jai Narayan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Manish Bansal, Asst. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner Jai Narayan, who happens to be Sarpanch of village Hassanpur, has moved this Court in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.126 dated 11.04.2020 under Sections 409, 420, 467, 468, 471, 120-B IPC pertaining to Police Station Murthal, District Sonapat. The allegations have come about by Surender Khatri, Social Education and Panchayat Officer, Murthal in his letter (Annexure P1). As per these allegations, during the period 01.11.2019 to 23.03.2020 the accused petitioner being the Sarpanch in conspiracy with his co-accused non-applicant Deepak, Manager IDBI Bank Dhaturi and Friends Filling Station, Malik Enterprises, Om Antil Building Material Supplier, Chiranji Lal Sales,

Saurabh Construction, Ganga Enterprises, Sign Enterprises, Shri Balaji Enterprises, Shiv Trading Company and National Submersible Pump through fraudulent acts by forgery and fabrication embezzled an amount of ₹ 1.67 crores lying deposited by way of fixed deposit in the accounts of the village meant for developmental works.

Learned counsel for the petitioner Mr. Ramnish Puri, Advocate inter alia contends that no specific role is attributed to the petitioner in commission of the offence and neither he has signed any of these documents for withdrawal nor the Panchayat ever passed any resolution in this regard and has sought to heavily place reliance on dying declaration (Annexure P3) purported to have been made by one Surjit Singh deceased, an employee of the Panchayat Department.

Learned State counsel Mr. Manish Bansal, Asst. Advocate General, Haryana has vehemently opposed the bail on the grounds that as per the status report relied upon by the State, the payments have been made from the account of the Gram Panchayat and the amounts have been transferred to the beneficiary firms out of which illegal commission/gratitude has been received by the petitioner in his account and therefore, a specific role is made out qua the petitioner in commission of the offence disentitling him to any relief.

After giving thoughtful consideration to the submissions of the two sides and on perusal of the records, it is reflective that a huge amount of ₹ 1.67 crores meant for development funds of village

Hassanpur has been dubiously withdrawn by various functionaries of the Panchayat Department including the petitioner from the FDRs of the Gram Panchayat to which petitioner can't be alien. Such like rackets have attained notoriety and need to be dealt with a heavy hand. The investigations are at preliminary stage. The apprehension of the State is further borne out from the facts that in spite of being a clear cut case of corruption by the State officials, the agency investigating the matter has failed to clamp the stringent provisions of the Prevention of Corruption Act, 1988. In view of the heinousness of the offence and seriousness of allegations, custodial interrogation of the petitioner is very much essential. More so, provisions of Section 438 Cr.P.C. are to be sparingly used and thus, no case for grant of bail is made out. The petition stands dismissed accordingly.

However, directions are issued to the concerned Superintendent of Police to ensure that the investigations are carried on by senior police functionary fully in accordance with law. Copy of this order be sent to the Secretary and Director, Department of Rural Development and Panchayat, Haryana as well as to the concerned Superintendent of Police.

(FATEH DEEP SINGH)
JUDGE

May 12, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No