

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

**CRM-M-12272-2020
Date of decision: 13.07.2020**

Om Parkash & another

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. Manish Bansal, AAG, Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 167 dated 21.06.2019 registered under Sections 406, 409, 420, 467, 468, 471 IPC, P.S. Ateli, District Mahendergarh, Haryana.

The operative part of the order dated 13.05.2020, vide which the petitioners have been granted interim bail, is reproduced below:

“Counsel for the petitioners has submitted that the allegations against the petitioners are only regarding the purchase of 50 pieces of dustbins for the benefit of Gram Panchayat, Kheri @ Rs.4,200/- per piece, which was done after the dissolution of the Panchayat by the petitioners who were posted as BDPO and Gram Sachiv at that point of time. The rates were stated to be higher as per the Haryana scheduled rates of the year 1988 which were Rs.2,629/- and, thus, financial loss has been caused. Mr. Sanghi has submitted that the purchase was made in the year 2015 and, therefore, the scheduled rate of the year 1988 would have no basis. It is also submitted that as per the FIR, 28 dustbins were not available but on a later occasion, the same were found in the village on 04.07.2018 which is apparent from the order of the Additional Sessions Judge, Narnaul dated 06.05.2020 wherein, he has declined the benefit of anticipatory bail.

Notice of motion.

Mr. Manish Bansal, DAG, Haryana accepts notice. Keeping in view the above circumstances and the fact that interim anticipatory bail had also been granted to the petitioners on 29.04.2020 (Annexure P-2) and it is not that they had not cooperated with the investigation, no useful purpose would be served as such not to grant the benefit of interim bail to the petitioners.

Adjourned to 13.07.2020.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 13.05.2020, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on telephonic instructions from ASI Jai Kumar, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 13.05.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

13.07.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No