

HEARD THROUGH VIDEO CONFERENCING
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.12953 of 2020 (O&M)
Decided on: 06.07.2020

Vedpal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.229 dated 13.5.2020 registered under Sections 120-B, 409, 420 IPC at Police Station Sadar, Sonapat.

The operative part of the order dated 27.05.2020, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Counsel for the petitioner submits that the present FIR was registered at the instance of one Anup Singh, Gram Sachiv with the allegations that the petitioner, who is Sarpanch of the village, has not accounted for the amount withdrawn from the Panchayat fund. Counsel for the petitioner has further submitted that, in fact, the petitioner himself has given a complaint against the previous Gram Sachiv, namely, Surjeet, who committed suicide on 6.4.2020 as he was facing inquiries

for financial irregularities in different Gram Panchayats of the Block.

Counsel for the petitioner has further submitted that before registration of the FIR, the Block Development Panchayat Officer conducted an enquiry under Section 51 of the Haryana Panchayati Raj Act, 1994 and the petitioner was served with a show cause notice on 15.4.2020 for depositing the aforesaid amount in the account of the Gram Panchayat, which the petitioner deposited on 27.4.2020, i.e. Rs.9,44,000/- and Rs.3,02,000/-. Counsel for the petitioner has also submitted that once the proceedings were going on under the provisions of the Haryana Panchayati Raj Act, the FIR has been registered hurriedly.

Counsel for the petitioner has also argued that even the petitioner has challenged the orders of the Block Development Panchayat Officer and the Deputy Commissioner by filing CWP-7408-2020, which is pending for 27.5.2020.

Counsel for the petitioner has referred to the provision 51 of the Haryana Panchayati Raj Act, 1994 to submit that the criminal liability of the petitioner would arise if he, in pursuance of a notice issued by the competent authority, i.e. the Block Development Panchayat Officer, failed to deposit the amount, which the petitioner has already deposited.

Notice of motion.....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 27.05.2020, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 27.05.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

06.07.2020
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No