

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

CRM-M-43560-2019 (O&M)
Date of Decision:-30.1.2020

Shankar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Anu Bala Garg, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
assisted by SI Pawan Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.597 dated 12.9.2018 at Police Station Dadri Sadar, District Charkhi Dadri under Section 409 of Indian Penal Code.
2. The FIR was lodged at the instance of Deshbhandu, Block Development & Panchayat Officer, Jhojhu, wherein it is alleged that during the course of inspection of record of Gram Panchayat, Village Kaliyana, it was noticed that there were some irregularities in the construction work undertaken. While Smt. Neelam was the Sarpanch of Village Kaliyana during the period in question, the petitioner was Secretary of Gram Panchayat. It is alleged that the estimate in respect of construction work was made under the signatures of Junior Engineer, which was infact for an amount in excess of ₹40 lakhs,

whereas the Junior Engineer was competent to sign an estimate only upto an amount of ₹5 lakhs and that since the Sarpanch and Secretary had not obtained the requisite technical approval, therefore, financial loss has been caused to the State exchequer on account of irregularities.

3. The learned counsel for the petitioner has submitted that he was merely a Secretary of Gram Panchayat and that the said decisions were not to be taken at his level and were to be taken either at the level of Sarpanch or at the level of engineering staff. The learned counsel for the petitioner has further submitted that, in any case, since the Sarpanch Neelam has already been granted bail by this Court vide order dated 15.3.2019 (Annexure P-13), the petitioner deserves the concession of bail on grounds of parity.
4. The learned State counsel has not disputed that the co-accused Neelam has already been granted bail. The learned State counsel has informed that pursuant to interim directions issued by this Court, the petitioner has joined investigation.
5. Having regard to the facts and circumstances of the case and in order to maintain parity as the co-accused namely Neelam has already been granted bail by this Court, the petition is accepted and the interim directions issued by this Court vide order dated 11.10.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

30.1.2020

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**