

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

**CRM-M No.45688 of 2019 (O&M)
Date of Decision:- 07.01.2020**

Parveen Gothwal

...Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. H.S. Deol, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The petitioner seeks grant of anticipatory bail in case bearing FIR No.176 dated 27.09.2019, registered under Sections 409 and 411 of Indian Penal Code, 1860, Section 13 of Prevention of Corruption Act, 1988 and Section 7 of Essential Commodities Act, at Police Station Rampura, District Rewari.

On 24.10.2019, following order was passed:-

“Prayer is for grant of pre-arrest bail in case FIR No.176 dated 27.09.2019 under Sections 409/411 IPC (Section 13 of Prevention of Corruption Act, 1988 and Section 7 of Essential Commodities Act added later on)

registered at P.S Rampura District Rewari.

The petitioner is stated to be posted as S.D.O, Panchayati Raj Department, Rewari. FIR has been lodged against him on the basis of a secret complaint received in the office of Superintendent of Police, Rewari alleging that one Daljeet Singh son of Adisal Singh, resident of Village Bharawas was raising construction on his plot in the village. The cement, which was being used in the said construction, is usually the one used in the Government work. It was suspected that the said cement had been misappropriated in connivance with some government contractor and officers of the department of Panchayati Raj. On receipt of such information, site was checked and 150 bags of cement were recovered which contained the term "Not for retail sale".

Learned senior counsel for the petitioner contends that one Deepak Kumar, Government Labour Contractor had been enlisted as Class- III contractor for carrying out civil works and he had been supplying shuttering material for the construction work at Vayamshala (GYM) at village Rajgarh on earlier occasion. In this particular incident, he was entrusted 150 bags of cements vide Indent No.70/00079 dated 28.8.2019 (P.7) for delivering the same to the construction site at village Rajgarh Block Bawal. It was the said contractor, who diverted the cement for unauthorized use. The petitioner had only exercised the Authority to recommend the same while the sanction was accorded by the concerned XEN. If the cement has been diverted for an illegal use, the petitioner cannot be held liable.

Notice of motion for 25.11.2019.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

In compliance to the aforesaid order, learned counsel for the petitioner states that the petitioner has joined the investigation and undertakes to join further investigation as and when called upon to do so by the Investigating Agency.

Learned State counsel on instructions from SI Rakesh Kumar admits the same and states that his custodial interrogation is no more required in further investigation of the case.

In view of the statement made by learned State counsel, order dated 24.10.2019 is made absolute, however petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Petition stands disposed of.

07.01.2020

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**(Raj Mohan Singh)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No