

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

CRM-M-6560-2021 (O&M)
Date of Decision:-2.9.2021

Om Parkash Dhillon

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rubal Garg, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by DSP Suresh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.467 dated 25.9.2018 registered at Police Station Sector 5, Panchkula under Sections 409, 420, 467, 468, 471 and 120-B of Indian Penal Code.
2. At the time of issuance of notice of motion on 11.2.2021, the following order was passed:

“It is the case of prosecution that Government of Haryana had floated a scheme for encouraging Sprinkler Irrigation System and had offered subsidy to the tune of 50% to all those farmers who opted for Sprinkler Irrigation System. It is alleged that the officials of Soil Conservation Department, who were looking after

the installation of such irrigation system and were providing subsidy had forged thumb impressions/signatures of farmers and had thus got released huge amounts of subsidy when infact such systems had never been installed. It is further the case of prosecution that the said subsidy was directly credited in the bank accounts of the suppliers instead of crediting the same in the bank accounts of the farmers and in this manner amounts to the tune of Rs.17 crores has been siphoned off.

Learned counsel for the petitioner has submitted that the petitioner remained posted in Nuh, where the fraud had allegedly taken place, during the year 2011-13 only and that during the course of investigation it was found that it was only during the year 2011-12 that some frauds were allegedly committed and infact there were only 5-7 such cases where thumb impressions of the claimants found on the subsidy documents did not tally with those of the farmers to whom such subsidy had been released and the total amount works out to Rs.1.5 lakhs only. It has further been submitted that the petitioner had retired from service in the year 2015, whereas the instant FIR was lodged much after his retirement in the year 2018.

Learned counsel for the petitioner upon being asked by this Court has, however, submitted that his client without prejudice to his defence is willing to make good all such loss, which had been caused during his tenure.

Notice of motion for 13.5.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.”

3. Learned State counsel upon instructions from DSP Suresh Kumar has informed that pursuant to interim directions, the petitioner has joined investigation and is fully cooperating with the police. It has further been submitted that infact the petitioner has virtually admitted his involvement in the cases, which have been processed by him and is even willing to deposit the amount in question in respect of the files processed by him. It has been submitted that since the petitioner is willingly divulging all the requisite information, his custodial interrogation is not required.
4. Having regard to the aforestated position, wherein the petitioner is not only stated to have joined investigation but is also fully cooperating with the same, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 11.2.2021 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.

2.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No