

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-9314-2021
Date of Decision: 14th December, 2021**

Arvind @ Arvind Sangwan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Arav Gupta, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana for the respondent-State.

AVNEESH JHINGAN, J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 04, dated 28th May, 2020, under Sections 218/ 409/ 420/ 466/ 467/ 468/ 471/ 120-B IPC and 13(2), 13(1) (C) and 13(1) (D) of Prevention of Corruption Act, registered at Police Station State Vigilance Bureau, District Karnal.

2. On directions of the Additional Chief Secretary, Haryana Government investigation was done, on the allegations that in the year 2015-16 to 2018-19, the scholarships under Post Matric Scholarship Scheme to be given to the students to be belonging to the schedule caste and backward class was being diverted by the District Welfare Officers employees at the head office by changing Aadhar number and account numbers. The amounts were being transferred to the accounts of the known persons of the accused. The students applied on-line for the scholarship, the District Welfare Officer verified the application received from the

institution outside the State, thereafter the cases were forwarded to Director of Schedule Castes and Backward Classes Welfare Department for sanctioning of scholarship along with on-line certificate and recommendations. The concerned Assistant after receiving the recommendation, manually prepared the list of students on the computer mentioning name of the student, father name, aadhar card number, bank account number and academic session.

3. As per the allegations the petitioner provided aadhar numbers and account numbers in which scholarships was to be transferred by the officials.

4. Learned senior counsel for the petitioner submits that petitioner is in custody since 1st November, 2020, investigation qua petitioner is complete and challan stands presented. The contention is that the best case of the prosecution is that petitioner is in connivance with the officials diverted scholarship, yet none of the official have been proceeded against in this FIR.

5. Learned State counsel opposes the prayer for grant of regular bail, however, on instructions from DSP Narender Kumar submits that the facts qua the other co-accused and officials of the department are yet being verified hence they are not being apprehended.

6. The petitioner is in custody for more than one year, investigation is complete and challan stands presented. The role of the co-accused and the officials of the department is yet to be determined in the investigation, it is an indicator that the conclusion of the trial is likely to take long time. In such circumstances, personal liberty of the petitioner cannot be deprived for unlimited period, petitioner is granted bail subject

Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.
8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

14th December, 2021
Parveen Sharma

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