

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

CRM-M-13911-2021

Date of Decision:02.09.2021

Raj Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MS. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Jagmohan Ghuman, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G. Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail in case FIR No.31 dated 24.01.2017 under Section 409 IPC registered at Police Station Kanina District Mahendergarh.

Learned counsel for the petitioner submitted that the petitioner remained Sarpanch of village Syana from 25.07.2010 to 24.07.2015. He further submitted that after lapse of statutory period of 2 years under Section 53 of the Panchyati Raj Act, 1993, for effecting recovery from the date of relinquishing the post of Sarpanch, the present FIR No.31 dated 24.01.2017 under Section 409 IPC was registered. Learned counsel for the petitioner submitted that allegation in the FIR are that while doing the development work in the village as detailed in the FIR, certain irregularities and illegalities were committed. It is further submitted that after investigation in the FIR, cancellation report was prepared on 3.12.2017. Thereafter, another FIR No.326 was registered on 13.08.2017 with similar allegations and again a cancellation report was recommended in the said FIR on 13.06.2018. Yet another FIR No.501 dated 27.12.2017 was registered i.e. four days prior to

the submission of cancellation report in the first FIR. Learned counsel for the petitioner submitted that the petitioner had filed petition for quashing of FIR as cancellation report was not accepted. However, the said petition was dismissed as withdrawn. Thereafter, investigation in the FIR was again conducted and the petitioner was arrested.

Learned State counsel submitted that investigation is complete; the petitioner is in custody for the last six months and is not required for any further custodial interrogation. Status report by way of affidavit of the investigating officer is on record and details of the investigation conducted so far are mentioned therein. It is not disputed that at one point of time cancellation report was prepared. However, it is submitted that there are serious allegations of embezzlement against the petitioner and two subsequent FIRs were also registered.

After hearing learned counsel for the parties and considering the fact that offence is triable by the Court of Magistrate; investigation is complete; the petitioner is in custody for the last six months and is not required for custodial interrogation, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

02.09.2021
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No