

CRM-M-14251-2021

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

**CRM-M-14251-2021
Date of decision: 23.09.2021**

Raj Kumar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jagmohan Ghumman, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.326 dated 13.08.2017, registered at Police Station Kanina, District Mahendergarh, under Section 409 IPC.

Learned counsel for the petitioner contends that the petitioner remained Sarpanch of the village w.e.f. 25.07.2010 to 31.01.2015 and three FIRs were registered against the petitioner on different dates out of which, cancellation reports have been filed in two FIRs by the investigating agency. During the investigation of the present case conducted by ASI Babu Lal, it was concluded that no offence was made out against the petitioner and accordingly, cancellation report dated 13.06.2018 was prepared and the concerned S.H.O. had also recommended the cancellation of the present FIR. Moreover, the petitioner has been in custody since

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24.02.2021 and the prosecution witnesses are yet to be examined.

On the other hand, learned State counsel while opposing the submissions made by the learned counsel for the petitioner, submits that the investigation conducted by ASI Babu Lal was not upto the mark and thereafter on the application of the complainant, re-investigation was conducted by the Deputy Superintendent of Police, who after going through the relevant record and the inquiry report prepared by SDO (Panchayati Raj) and Junior Engineer (Panchayati Raj), had found the allegations levelled against the petitioner to be correct, vide his report dated 15.04.2019. The learned State counsel submits that the petitioner does not deserve the benefit of regular bail.

I have heard the learned counsel for the parties.

The petitioner, who is an Ex-Sarpanch, has been in custody since 24.02.2021. There are three FIRs registered against the petitioner out of which, cancellation reports have been filed by the prosecution in two cases. Even in the present case also, cancellation report was prepared at one point of time and the concerned SHO had also recommended the cancellation of the present FIR. It was at a later stage, during re-investigation conducted by the DSP, that the allegations levelled against the petitioner were found to be correct.

The challan stands presented. Out of 17 prosecution witnesses, none has been examined so far. Trial of the case is in the offing which is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

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merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.09.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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