

CRM-M-18413-2021

Date of decision: 28.05.2021

Heena Begum

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Mohd. Arshad, Advocate
for the petitioner.Mr. Gaurav Jindal, Addl.A.G., Haryana
for the respondent-State.Mr. Saleem Ahmed, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The learned State counsel has placed on record the status report by way of an affidavit of Sh. Shamsher Singh, HPS, Deputy Superintendent of Police, Punhana, District Nuh and the same is taken on record.

Petitioner-Heena Begum has come up in this first regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.384 dated 23.12.2018 under Sections 120-B, 188, 409, 420, 467, 468 and 471 of the Indian Penal Code registered at Police Station Punhana, District Nuh, Mewat.

The allegations against the petitioner are that she, during the discharge of her duties as Sarpanch of the village, along with her co-accused/non-applicant-Satpal Gram Sachiv, M/s Singla Traders, Rasida Panch, Naseem Panch, Sunil Panch, Pawal Kumar Panch, Babita Panch, Aarif, Sher Mohd., under the garb of carrying on development works, managed to fabricate records resulting in embezzlement of a sum of Rs.48,39,830/-. The petitioner was arrested on 09.03.2021.

Learned counsel for the petitioner *inter alia* contends that the petitioner is a simplicitor lady and has no active role to play the commission of the offence. It is contended that the petitioner is in advanced stage of pregnancy and that it is purely a dispute within the village which is misconstrued and a false case has been registered against the petitioner.

In view of the present pandemic of COVID-19, the counsel has prayed for bail.

The learned State counsel assisted by counsel for the complainant has vehemently opposed the bail citing reasons that petitioner is habitual to such offences and even earlier FIR No.327 of

2016 under Section 420, 467, 468, 120-B of the Indian Penal Code was registered with the police, besides, another FIR No.413 of 2019 has come about for causing injuries to others. It is submitted that keeping in view the enormous amount that has been embezzled, disentitles the petitioner any relief.

Going through the submissions, as is there before this Court, a sum of Rs.48,39,830/- is alleged to have been misappropriated by the petitioner in connivance with her co-accused which funds were meant for development works of the village.

Keeping in view her similar conduct in an earlier case, where she is accused of cheating and the fact that apprehension of the State that if allowed bail, being influential Sarpanch of the area, might stifle the trial is not unfounded. In view of the same and the heinousness of the offence, this Court declines the present petition.

The present petition stands dismissed.

28.05.2021

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No