

201

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

CRM-M No. 18389 of 2019
Date of Decision: 07.09.2021

Ram Kishan

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aditya Yadav, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.392 dated 17.10.2018 registered under Section 409 IPC at Police Station Kanina, District Mohindergarh.

On 25.04.2019, following order was passed:-

“It is the case of the petitioner that complaint against the petitioner is motivated because the complainant himself is an encroacher on the Gram Panchayat land. Otherwise also, the allegations in the complaint

are regarding alleged embezzlement of Rs.9,92,985/- of Gram Panchayat funds. An enquiry was conducted by the BDPO. In that enquiry, only an irregularity qua an amount of Rs.11,500/- has been found by the BDPO. Even this amount of Rs.11,500/- has already been deposited by the petitioner. Still further, it is the assertion that, in the first instance, the Court of learned Additional Sessions Judge, had granted interim protection to the petitioner. Under that protection, the petitioner has already joined the investigation. But ultimately, his anticipatory bail application has wrongly been dismissed by the Court below without any valid reason.

Notice of motion for 13.08.2019.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

April 25, 2019
mohinder

(RAJBIR SEHRAWAT)
JUDGE”

Learned counsel for the petitioner submits that the petitioner has joined the investigation.

This fact has been admitted by learned State counsel on instructions from PSI Tapinder and submits that a

cancellation report has been prepared by the police after due investigation in the present case and the same is yet to be presented before the Competent Court.

In view of above, order dated 25.04.2019 is made absolute.

September 07, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No