

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.202

CRM-M No.30582 of 2021

Date of Decision: 01st October, 2021.

Rajender Singh

...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

Mr. S.S.Pannu, DAG, Haryana.

Mr. Shalender Mohan, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.225 dated 18.08.2019 registered at Police Station Uklana District Hisar, under Sections 406, 409, 420 & 120-B IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled by the complainant in the subject FIR, are that the petitioner was working as Sachiv/Secretary with the Gram Panchayat of Village Mugalpura and he, conspired with his co-accused Suresh Kumar, the former Sarpanch and misappropriated/embezzled the Panchayat funds to the tune of Rs.6/7 lacs by tampering with the Panchayat records as well as by issuing the cheques in

favour of the persons/entities for the payment of the amounts without their entitlement for the same.

Reply filed on behalf of the respondent-State by Deputy Superintendent of Police, Hisar-2, along-with Annexure R-1, is already available on the file and the same are taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also gone through the file thoroughly.

Learned counsel for the petitioner contends that the petitioner has been found to be innocent in the inquiries conducted by the competent Departmental Authorities but he has been falsely implicated in this case and he had no concern with the alleged misappropriation/embezzlement of the funds of the Panchyat and in these circumstances, he (petitioner) deserves the relief as prayed for in this petition.

Per-contra, learned State counsel argues that the petitioner had tampered with the record of the Gram Panchayat and had issued the cheques for the amounts which were not actually due to the payees thereof and thus, he has caused loss to the Panchayat as well as the Government Exchequer and in view of the gravity of the offence committed by him, this petition be dismissed.

The said exoneration of the petitioner by the competent Departmental Authorities does not mitigate the gravity of the allegations as levelled against him in the instant case and the same also does not suffice at all, at this stage, to negate the entire version of the complainant as set-forth in

the above said FIR because it has, categorically, been mentioned in para 4 of the reply that the petitioner had made cuttings in the Proceedings Register of the Gram Panchayat and had also changed the name of the bank as well as the amount in the cheque bearing a date prior to his posting with the Gram Panchayat and had also issued the cheques/made payments to the persons who were not actually entitled to receive the same and moreover, it has also, specifically, been mentioned in Para 3 (i) (on merits) of the said Reply that in a subsequent further inquiry as conducted by the BDPO Uklana, the petitioner and his afore-named co-accused were held guilty for the charges levelled against them and an appropriate action was also recommended to be taken against them.

Keeping in view all the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed accordingly.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

(MEENAKSHI I. MEHTA)
JUDGE

01.10.2021.
seema

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No

