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

CRM-M No. 38768 of 2020
Date of Decision: 25.01.2021

Umesh

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjiv Kumar Aggarwal, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Sunil Sihag, Advocate,
for the complainant.

RAJ MOHAN SINGH, J.

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

Petitioner seeks grant of regular bail under Section
439 Cr.P.C. in case bearing FIR No.7 dated 14.08.2019 under
Sections 120-B, 177, 181, 409, 417, 420, 466, 468, 471 IPC and
under Section 13(1) (c) and 13 (1) (d) of Prevention of
Corruption Act registered at Police Station SVB, District
Gurugram.

Vide order dated 01.09.2020 passed in CRM-M
No.22013 of 2020, prayer for anticipatory bail was rejected.

Thereafter, petitioner was arrested on 15.09.2020 and since

then, he is in custody.

Petitioner was Gram Sachiv of the Gram Panchayat. In March 2016, Jagat Singh was the Sarpanch of the village and he made payments of 200 dustbins whereas only 100 dustbins were delivered by A.K. Construction. A.K. Construction through its proprietor Ashok Kumar has already deposited an amount of Rs.3,80,000/- in the Panchayat fund.

Co-accused namely Mool Chand has already been granted regular bail by this Court vide order dated 16.11.2020 passed in CRM-M No.34713 of 2020.

Jagat Singh, the then Sarpanch has also been granted regular bail vide order of the even date passed in CRM-M No.42424 of 2020.

Challan stands presented.

Learned counsel for the petitioner submitted that the duty of Gram Sachiv was subject to the control of the Sarpanch and his duty was to record the proceedings and then append his signatures in the proceeding book.

Learned counsel for the petitioner has also sent copy of order dated 13.10.2020 passed by Additional Sessions Judge, Narnaul vide which his prayer for regular bail was declined on Whatsapp group. Due to some inadvertence, the order in case of Mool Chand has been appended as ANNEXURE P-5.

Per contra, learned State counsel duly assisted by learned counsel for the complainant opposed the bail on the ground that complicity of the petitioner is writ large on the face of record.

Since the case is being decided along with case of co-accused Jagat Singh, both the cases have arisen out of the same FIR, therefore, keeping in view the facts and circumstances of the case, I deem it appropriate to consider the copy of order dated 13.10.2020 passed by Additional Sessions Judge, Narnaul (sent by learned counsel for the petitioner on Whatsapp group) to be an order against which present petition is filed.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

January 25, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)

JUDGE

1. Whether speaking/reasoned : Yes/No