

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

CRM-M-45909 of 2021

DECIDED ON:14th December, 2021

Surender

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Nagar Singh, Advocate and
Mr. A.S. Shera, Advocate for petitioner.

Mr. Karan Sharma, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The petitioner is before this Court for regular bail in case of FIR No.138 dated 29.4.2020, under Sections, 120-B, 409, 420, 467, 468, 471 IPC 1860, later on added Sections 7, 13 of PC Act, 1988, registered at Police Station Murthal Sonapat, District Sonapat.

The allegations in the FIR got lodged by the Secretary Gram Panchayat Tikola, Block Murthal are that unauthorised transfers of amounts were made by the Gram Panchayat in the account of M/s Malik Enterprises of which Surender (petitioner) is the Proprietor. In this manner financial loss was caused to Gram Panchayat. It was further alleged that no development work activity of any kind pertaining to Gram Panchayat was carried out.

Learned counsel for the petitioner argues that the petitioner is in custody since 19.10.2020 and investigation is complete. He further submits that the unauthorised utilization of the Gram Panchayat fund was done by the officials in connivance with the member of Gram Panchayat, the petitioner is merely a business man.

Learned State counsel opposes the prayer for grant of bail and submits that the petitioner is involved in five more cases of similar nature and huge amount of Gram Panchayat was embezzled. He fairly submits that challan stands presented but charges are yet to be framed.

Considering the nature of allegations and the fact that the case is primarily based upon documentary evidence, the petitioner is in custody for almost one year, albeit investigation is complete, conclusion of trial is likely to take time and involvement of petitioner in other FIR in itself cannot be a reason to deprive his personal liberty, the petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14th December, 2021

reema

**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>