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

CRM-M No. 35417 of 2019
Date of Decision: 20.09.2021

Smt. Krishna Devi

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.P. Sharma, 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.561 dated 25.09.2018 registered under Section 409 IPC at Police Station City Mahendergarh, District Mahendergarh.

Allegation is that according to inquiries conducted on earlier occasions including the one which was conducted by Sub Divisional Magistrate, the shortfall in the Panchayat's fund was found to be Rs.59,292/- which was duly deposited by the petitioner. In the third inquiry conducted by Executive Engineer,

Panchayati Raj, Narnaul, shortfall was found to be Rs.17,85,551/- on account of excess purchasing by the then Sarpanch (petitioner).

Learned State counsel submits that though the petitioner has joined the investigation on two occasions, but recovery is still to be effected from her.

In the very nature of allegations, the alleged shortfall in the Panchayat fund to the tune of the amount as depicted in the report of Executive Engineer would be established with reference to evidence during trial.

Record has already been taken into possession by the Investigating Officer. Shortfall has already been made good by the petitioner by depositing Rs.59,292/ as calculated by the competent authority.

At this stage without forming any opinion on the merits of the case, I find that since the record has already been taken into possession by the police and the allegations are pertaining to record/documents, therefore, the same would be established on the basis of evidence to be led by the prosecution during trial.

In view of above, I deem it appropriate to confirm order dated 02.09.2019.

However, the petitioner shall keep on joining the investigation as and when required to do so and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

September 20, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No