

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

208

**CRM-M-8530-2022 (O&M)
Date of Decision: 22.09.2022**

Hem Chand ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Nafeesh Ahmad Khan, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Shri Bhagwan.

Mr. Deepender Singh, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.51, dated 02.02.2022, Police Station Sadar Ballabgarh, District Faridabad, under Sections 406, 409, 420, 467, 468, 471, 120-B IPC.
2. At the time of issuance of notice of motion on 28.02.2022, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.51, dated 2.2.2022, Police Station Sadar Ballabgarh, District Faridabad, under Sections 406, 409, 420, 467, 468, 471, 120-B IPC.

The FIR was lodged at the instance of BDPO, Tigaon, District Faridabad, alleging therein that the acting Sarpanch, Brahampal, Gram Sachiv Joginder and others have embezzled an amount of Rs.1,01,63,896/- of Panchayat. It is further alleged that out of the said amount an amount of Rs.23,67,930/- was returned by the Sapranch.

Learned counsel has submitted that he is merely a vendor and that he had issued all the bills pertaining to the material sold through his firm. It has further been submitted that while the complaint had been made to the police on 28.01.2020 wherein the petitioner was nowhere named and that it is only subsequently in the month of October that he has been nominated.

Notice of motion for 12.9.2022.

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

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner had earlier deposited an amount of Rs.13,53,730/- on 21.01.2022.
4. Although learned counsel representing the complainant has opposed the petition, but having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any further investigation, the petition is accepted and the interim directions issued by this Court vide order dated 28.02.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

22.09.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned:
Whether reportable:**Yes/No
Yes/No**