

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

CRM-M-19820-2022 (O&M)

Date of Decision:- 17.8.2022

Braham Pal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ankur Lal, Advocate for the petitioner.

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

Mr. Deepender Singh, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 51 dated 2.2.2022 under Sections 406, 420, 409, 420, 467, 468, 471/120-B IPC at Police Station Sadar Ballabgarh, District Faridabad.
2. The FIR was lodged at the instance of the Block Development and Panchayat Officer, Tigaon wherein it is alleged that ex-acting Sarpanch Brahampal, Shri Joginder, the then Gram Sachiv, Shri Rajbeer, the then Junior Engineer (Panchayati Raj), Gram Panchayat, Mujheri, M/s Frahan Enterprises, M/s S.K. Enterprises and M/s Raghav BMS Construction had committed irregularities in the development work in Gram Panchayat, Mujheri and caused financial loss to the Gram Panchayat. It is alleged that out of the loss caused to the Panchayat to the tune of ₹1,01,63,896/-, Shri

Brahampal, acting Sarpanch had deposited an amount of ₹23,67,930/- and had also deposited some material relating to electricity works.

3. The learned counsel for the petitioner has submitted that the FIR came to be lodged on account of political rivalry and that, at best, it is a case of some irregularities in procedure adopted for incurring expenditure and that there is no evidence worth credence to show that the petitioner had misappropriated or embezzled any amount.
4. The learned counsel has further submitted that in the present case lodging of FIR is an abuse of process of law inasmuch as pursuant to a notice under Section 53 of the Haryana Panchayati Raj Act, 1994, the inquiry conducted by the Sub-Divisional Officer shows that the petitioner cannot be held responsible for the alleged losses and that the petitioner otherwise had deposited an amount of ₹ 23,67,930/-.
5. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that it is a case where huge loss had been caused to Gram Panchayat by showing certain development works to have been undertaken whereas the same were never undertaken. It has been submitted that it is by way of connivance of the petitioner with various private agencies that payment worth lacs of rupees was released unauthorizedly and admittedly a substantial amount was pocketed by the petitioner. The learned State Counsel has further submitted that the complicity of the petitioner would be evident from the fact that he even misplaced the record of the Gram Panchayat which would have highlighted irregularities committed by him.

6. The learned State counsel has pointed out that though the petitioner had challenged the proceedings initiated against him under Section 53 of the Haryana Panchayati Raj Act, 1994 by way of filing CWP i.e. CWP No. 3954 of 2022 but the said petition stands dismissed vide judgment dated 23.3.2022.
7. I have considered rival submissions addressed before this Court.
8. Having regard to the nature of allegations and the extent of the irregularities which involves financial losses to the tune of more than ₹ 1 crore and while also observing the conduct of the petitioner inasmuch as the record of the Gram Panchayat for the period concerned has been misplaced, this Court does not find any special case for grant of anticipatory bail.
9. The petition is sans merit and is hereby dismissed.

17.8.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No