

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

CRM-M-27327-2022

Date of Decision: 07.12.2022

Vijay Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nitish Yadav, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.03 dated 05.01.2022 for offences under Sections 409, 420, 120-B of IPC, 1860, registered at Police Station P.S. Rohrai, District Rewari.

Learned counsel for the petitioner has submitted that it is a case where the allegations were against 3 persons who were the Sarpanch of the village, son of the Sarpanch and the present petitioner who was the Panchayat Secretary. He has submitted that the allegation was with regard to embezzlement of amount of Rs.14,50,000/-. He has further submitted that no amount has been transferred in the name of the petitioner and even otherwise also the Sarpanch who is the main accused has been granted anticipatory bail by the learned trial Court. He submitted that the present case is triable by the learned Magistrate and the present petitioner has been granted interim bail by this Court on 14.07.2022 and in pursuance thereof, he has already joined

investigation and has fully cooperated in the investigation process and therefore, the aforesaid order may be confirmed.

Learned State counsel, on instructions from SI Dharmpal has stated that it is correct that in pursuance of the order dated 14.07.2022, the petitioner has joined the investigation. He has further submitted that the amount which was jointly embezzled by three persons has not been recovered yet. So far as the grant of anticipatory bail by the learned Sessions Court to the other co-accused who was the Sarpanch, is concerned, has not been disputed it by learned State counsel.

I have heard the learned counsel for the parties.

The allegation against the petitioner was with regard to embezzlement of an amount of Rs.14,50,000/- along with the other two co-accused but as per the learned counsel for the parties, no amount has been transferred in the name of the petitioner. Therefore, the arguments raised by the learned counsel for the State that the embezzled amount is yet to be recovered, is not sustainable for the purpose of considering the grant of anticipatory bail. The petitioner has admittedly joined the investigation.

In view of the aforesaid facts and circumstances, this Court is of the view that the petitioner deserves the concession of anticipatory bail.

The present petition is allowed and the order dated 14.07.2022 is hereby made absolute.

07.12.2022
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(JASGURPREET SINGH PURI)
JUDGE

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