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

CRM-M-32728-2022

Date of decision : 26.08.2022

Jai Bhagwan Puri

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.225 dated 18.08.2019 registered under Sections 406, 409, 420, 120-B of the Indian Penal Code, 1860 at Police Station Uklana, District Hisar.

On 28.07.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 225 dated 18.8.2019, under Sections 406, 409, 420 and 120-B IPC, registered at Police Station Uklana, District Hisar.

The allegations in the FIR are that panchayat funds to the tune of Rs.2,47,933/- were embezzled by the office bearers of the panchayat in connivance with the officials.

The role attributed to the petitioner is that he is an Architect and he conducted demarcation in the year 2016. As per allegations, demarcation was done for a single day, whereas bill was paid to the petitioner for twelve days.

Learned counsel for the petitioner submits that co-accused i.e. Sarpanch and Member Secretary were granted regular bail by this court on their depositing alleged loss caused to the panchayat. He further submits that the case is based upon documentary evidence, the petitioner is a professional and not involved in the working of the panchayat.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail. She submits that the petitioner is involved in one more case.

Without commenting on the merits of the case, considering that the case is primarily based upon documentary evidence, the role attributed to the petitioner and the fact that demarcation was done in the year 2016, no recovery is to be made from the petitioner and the alleged embezzled amount has already been deposited by the co-accused, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 26.8.2022.

Sd/-(AVNEESH JHINGAN)

28th July, 2022

JUDGE ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 28.07.2022, the petitioner has joined

the investigation.

Learned counsel for the State, on instructions from ASI Raj Kumar, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 28.07.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 28.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

26.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No