

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-39112-2021 (O&M)

Date of decision: 30th March, 2022

Amit Kumar

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

Mr. Mazlish Khan, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

CRM-2932-2022

This is an application for impleading the applicant/complainant as respondent No.2.

Notice to the non-applicants.

Ms. Kanika Ahuja, Advocate for the petitioner and Ms. Geeta Sharma, Deputy Advocate General, Haryana accept the same. They have no objection to the acceptance of the prayer of the applicant.

For the reasons recorded in the application, the same is allowed. The applicant is ordered to be impleaded as respondent No.2 in the main petition.

CRM-M-39112-2021

This petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.179 dated 3.4.2019 under Sections 120 B, 34, 406, 409, 420, 467, 468 IPC (Sections 7 and 13 of PC

Act added later on), registered at Police Station Sadar Tauru, District Nuh.

The FIR was registered on a complaint of Mohammad Yusuf. The allegations were against Amit Kumar-petitioner, BDPO Tauru, Ramdass Secretary and Jamshed Ahmed, Ex. Sarpanch. As per case set up the funds were released in the bank account of the Gram Panchayat without following the due procedure and getting permission from the Deputy Commissioner. The funds were siphoned off claiming that the development work was executed. The role attributed to the petitioner is that he without permission from Deputy Commissioner transferred Rs. 1.6 crores to the bank account of the Gram Panchayat and received Rs. 40000/- as his share.

Learned Senior Counsel for the petitioner submits that the petitioner is in custody since 25.6.2021, investigation is complete, no further recovery is to be made and the case is *prima facie* based on documentary evidence. It is argued that recovery of the cash from petitioner does not connect with the alleged commission received by him.

Learned State counsel vehemently opposes the prayer and submits that the petitioner is involved in two more FIRs and petitioner misused the official position.

Mr. Mazlish Khan, Advocate appears and opposes the prayer. He argues that public money meant for development of the village was embezzled. The petitioner is a habitual offender and is involved in two more FIRs. The complainant was one of the contestant in the election for Sarpanch and by making complaint he discharged his duty to protect the public money.

Learned Senior Counsel for the petitioner submits that in both the FIRs the petitioner was granted bail.

Without commenting on the merits of the case and considering the nature of allegations against the petitioner, recovery made, though the investigation is complete conclusion of trial is likely to take time and involvement of the petitioner in two more FIRs itself cannot be a ground to deprive his personal liberty, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

30th March, 2022
anuradha

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