

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(228)

CRM-M-41263-2022

Date of decision: - 17.10.2022

Geeta Devi

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for granting regular bail to the petitioner in FIR No.341 dated 28.04.2021, registered under Sections 120-B, 409 and 420 IPC (Section 201 IPC has been added later on), at Police Station Kharkhoda, District Sonapat.

Learned counsel for the petitioner has submitted that the petitioner is a 29 year old widow lady and has three minor children and has been in custody since 04.08.2022 and in the present case, the investigation is complete and the challan has been presented and there are 12 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and the present case is triable by Magistrate and is based on documentary evidence, thus, no purpose would be served

by keeping the petitioner in further incarceration. It is also submitted that till date no proceedings under Section 53 of the Haryana Panchayat Raj Act, 1994 have been initiated and it is under the said provision that the liability of a sarpanch or panch for any loss, waste, or mis-application of gram panchayat fund or property of the gram panchayat is to be determined. It is stated that under Section 204 of the Haryana Panchayati Raj Act, there is a specific bar for initiation of any proceedings civil or criminal against any sarpanch or panch etc. in respect of any act done in good faith under the Act.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that as per the allegations in the FIR, the petitioner had withdrawn an amount of Rs.35,34,840/- and had shown the same as having been spent on different works in an illegal manner.

This Court has heard learned counsel for the parties and has perused the paper-book.

The petitioner is a 29 year old widow lady and has three minor children and has been in custody since 04.08.2022 and in the present case, the investigation is complete and the challan has been presented and there are 12 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case and the case is triable by Magistrate and the entire case is based on documentary evidence. It is the case of the petitioner that no proceedings under Section 53 of the Haryana Panchayati Raj Act, which determines the liability of a Sarpanch or Panch

for the alleged loss, waste or mis-application of gram panchayat fund have been initiated against the present petitioner till date.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to her not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final 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 petition.

October 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes