

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-54229-2021

Date of decision : 3.3.2022

Harvinder Singh

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.S.Dinarpur, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Anshul Mangla, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 438 of code
of Criminal Procedure for grant of anticipatory bail to the petitioner in case
FIR No.301 dated 12.12.2021 registered under Section 409, 420 IPC at
Police Station Chhachhrauli, District Yamuna Nagar.

Counsel for the petitioner submitted that the petitioner has
joined the investigation with the police in compliance of the order dated
23.12.2021 passed by this Court.

Counsel for the State on instructions from SI Baldev Raj
admitted this fact and further stated that the petitioner is not required by the
police for custodial interrogation. He further submitted that the amount in

question worth ₹ 22898/- has already been deposited by the petitioner with the concerned quarter.

However, this petition has been contested by the counsel for the complainant who submitted that apart from the aforesaid amount, the petitioner being Sarpanch of the village, also misused amount of ₹ 2,34,282/- out of Government funds. He further contended that the petitioner is liable to repay the said amount to the Government. In this regard, counsel for the complainant referred to report dated 2.12.2021 of Sub Divisional Officer (Civil), Bilaspur.

It appears that the petitioner has already filed appeal under Haryana Panchayati Raj Act, 1994 against order dated 30.12.2021 whereby Block Development and Panchayat Officer, Partap Nagar, District Yamuna Nagar has asked the petitioner to deposit the amount of ₹ 2,57,180/- in Panchayati Fund or otherwise, to face legal action and operation of order dated 30.12.2021 has been stayed by the appellate authority vide order dated 9.2.2022 whose copy has been produced today in Court by the counsel for the petitioner. Also there is no dispute that the petitioner has already deposited amount of ₹ 22898/- in Government fund.

In view of the above, no purpose will be served even if the petitioner is sent to police custody at this stage. Consequently, the present petition is allowed and order of interim bail dated 23.12.2021 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

March 3, 2022
Paritosh Kumar