

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

**CRM-M-50491-2022 (O&M)
Date of decision: 10.11.2022**

Manoj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mahir Sood, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 55 dated 01.03.2022, registered under Sections 120-B, 409, 420, 467, 468, 471, 201 (added later on) IPC, at Police Station Badhra, District Charkhi Dadri.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner is sole proprietor of firm M/s Balaji Concrete Product, Kadma, an interlocking tiles industry, and has supplied interlocking tiles to the Gram Panchayat(s); that as alleged, the petitioner in connivance with co-accused Mukesh Kumar, Panchayat Secretary, had committed fraud to the tune of Rs. 28,61,459/-, which was transferred by the Panchayat Secretary in the account of the firm without supply of any material; that actually, the petitioner has supplied the interlocking tiles and for which he has issued invoices and after supply of the material, the petitioner received the payments in accordance thereof and the

petitioner has also paid the GST for the same; that as per the FIR, the cheques were forged by the Panchayat Secretary not by the petitioner and the Panchayat Secretary is now in the judicial custody and that no such fraud has been committed by the petitioner and he has no role to play in the alleged fraud.

In support of his case, learned counsel for the petitioner relies upon the order dated 27.07.2020 passed by the Hon'ble Supreme Court of India in Special Leave to Appeal (Crl.) Nos. 1274/2021 titled as Manoj Kumar Sood and another Vs. State of Jharkhand.

I have heard the learned counsel for the petitioner and have also gone through the documents on record.

The FIR was registered on the complaint of the then BDPO Badhra, presently posted as such at Bahadurgarh, against Panchayat Secretary, firm of the petitioner and employees of the Bank, alleging therein that Mukesh Kumar-Panchayat Secretary had forged his signatures on the cheques and other records and also withdrawn money in his name after his (complainant) transfer from Badhra, and they in collusion with each other after withdrawing the amount from their office transferred the same in the accounts of various firms and thus they had misappropriated the government money.

The relevant Paras of the order dated 19.09.2022 passed by the Additional Sessions Judge, Charkhi Dadri, dismissing the bail application is as under:-

“5. The instant FIR is registered on the written complaint filed by complainant Yudhvir Singh the then BDPO Badhra presently BDPO Bahadurgarh, wherein, he alleged that he was posted at BDPO, Badhra from 03.10.2021 to 04.06.2021 and from letter dated 23.02.2022 from

BDPO Badhra, he came to know that Mukesh Kumar, Village Secretary had misappropriated the money during his tenure also. Thereafter, on 24.02.2022, he came to BDPO office, Badhra and perused the record and find that Mukesh Kumar, Village Secretary had also forged his signatures on the cheques and other records and money was even withdrawn in his name after he was transferred. He prayed that action be taken against Mukesh Kumar, Village Secretary, concerned firms and employees bank in whose collusion the amount was withdrawn from their office and transferred to various firms and thus, they had misappropriated the government money.

6. Hence, there are serious allegations against the applicant that he in collusion with village secretary has misappropriated the money of the government and has caused huge loss to the state exchequer. Applicant is the proprietor of firm M/s Balaji Concrete Product, Kadma in which account, an amount of Rs.28,61,459/- was found to have been transferred. Neither any work was done by the applicant's firm nor any material was supplied to the Panchayat. The amount is to be recovered from the applicant. Co-accused Mukesh, who is Village Secretary confessed that the firms in whose account, amount was transferred gave him Rs.4-5 lakh only as commission but kept the remaining amount. Hence, there are serious allegations against the applicant that he had conspired with co-accused Mukesh and misappropriated the huge money of the government and has caused loss to the state exchequer. For the recovery of misappropriated amount and involvement of other persons, custodial interrogation of applicant/accused is required."

Considering the nature of the allegations contained in the FIR and the fact that the petitioner in connivance with others has caused a loss to the Government exchequer to the tune of Rs. 28,61,459/-, the custodial interrogation of the petitioner is necessary. Hence, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

10.11.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No