

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-44891-2019 (O&M)****Date of decision : 24.05.2022****Surinder Singh****....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. D.S.Sobti, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. D.K.Prajapati, Advocate for respondent No.3.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.8 dated 07.01.2019 under Section 409 Indian Penal Code, 1860 registered at Police Station Mahesh Nagar, District Ambala, who was in custody since his arrest on 24.09.2016.

The FIR was registered on the basis of complaint bearing No.30 dated 02.01.2019 given by Block Development and Panchayat Officer, Ambala-II relating to the alleged embezzlement of panchayat funds. As per complainant, in the year 2010, the Gram Panchayat, Sarsehri was included within the Municipal Corporation Ambala Cantt and a complaint was moved against Ex.Sarpanch-Surinder Singh, whereupon enquiry was conducted by SDO (C) Ambala Cantt and the allegations were found to be true. Thereafter, he was served with various notices under Section 53 Haryana Panchayati Raj Act, 1994 asking him to deposit Rs.20,81,146.50/- with Municipal Corporation, Ambala, but he failed to do so. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the petitioner is a Sarpanch, who has been falsely implicated in this case because of political rivalry and in petition bearing No.CRM-M-52262-2019 filed for quashing of FIR, the proceedings before trial Court were stayed by this Court. He submits that the petitioner was granted the concession of interim regular bail on 02.11.2019 and by that time, the investigation of the case was also complete, as the final report stood filed on 23.08.2019. He submits that though the charges were framed on 13.03.2020 against the petitioner, but out of total ten prosecution witnesses, no witness has been examined so far. He prays for bail.

On the other hand, learned State counsel has opposed the prayer on the ground that the offence is serious in nature, however, he does not dispute this fact that after framing of charges on 13.03.2020, no prosecution witness has been examined. He fairly states that after release of petitioner on interim regular bail on 02.11.2019, the said concession has not been misused by him.

Considering the above background, custody of the petitioner and the fact that the investigation is complete, the prayer made in this petition on his behalf is accepted, as the trial is likely to take considerable time to conclude. Resultantly, the petition is allowed and it is directed that the petitioner shall continue to remain on bail bonds and surety bonds furnished pursuant to the order dated 02.11.2019.

(MANOJ BAJAJ)
JUDGE

24.05.2022

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No