

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54677-2023
Date of Decision:24.11.2023

(i)

Mohinder Singh ...Petitioner

vs.

State of Haryana ...Respondent

(ii)

Ram Chander ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Sumit Sangwan, Advocate
for the applicant-petitioner (CRM-M-54677-2023).

Mr.Jitender K. Sehrawat, Advocate
for the applicant-petitioner (CRM-M-57892-2023).

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

This order shall dispose off two petitions i.e CRM-M-54677-2023 (O&M) titled as “Mohinder Singh vs. State of Haryana and CRM-M-57892-2023 (O&M) titled as “Ram Chander vs. State of Haryana, whereby the petitioners in these petitions prayed for grant of anticipatory bail in case

arising out of FIR No.79 dated 29.04.2023 under Sections 406,420 of IPC registered at Police Station Buria, District Yamuna Nagar.

Status report by way of affidavits dated 22.11.2023 in both the petitions are taken on record.

At the very outset learned counsel for the petitioners submit that during the course of investigation, the offence under Section 409 IPC added in the present case and they may be permitted to carry out the necessary correction in this regard in head note as well as prayer clause of the petition. Learned counsel for the petitioners are directed to make the necessary correction in the court today itself.

As per the case of the prosecution, the complaint was made by Block Development and Panchayat Officer, Jagadhari against the Ram Chander, Ex. Sarpanch, Gram Panchayat Amadapur and Mohinder Singh, the then Grav Sachiv, District Yamuna Nagar by alleging that an amount of Rs.4,29,656 was withdrawn on February 2021 and an amount of Rs.1,07,514/- was withdrawn subsequently by the accused from the Panchayat Funds, without justifying such withdrawal from the Panchayat Funds. Even notices were issued to the Sarpanch, but he refused to receive the same. Thus, a total loss of Rs.5,37,170/- was caused to the funds of Gram Panchayat. With these main allegations, the FIR in the present case was registered by the complainant.

At the very outset, learned counsel for the petitioners on instructions from their respective clients, submit that without prejudice to their right to raise their defence before the Trial Court and to raise an appropriate plea in the proceedings under the Haryana Panchayati Raj Act,

the petitioners are ready to jointly to deposit an amount of Rs.5,37,170/- with the Area Magistrate within a period of four weeks from today. Learned counsel further submit that the present case is based on documentary evidence and all the documents have already been collected by the police, during the course of investigation.

On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that both the petitioners had caused loss to the tune of Rs.5,37,170/- and the public money was mis-utilized by both the petitioners. She further contends that the recovery proceedings under the provision of Haryana Panchayati Raj Act have already been ordered to be initiated against the Ram Chander, Ex. Sarpacnh and the same are pending.

I have heard the learned counsel for the parties and perused the record.

In the present case, it is apparent from the record that the Panchayat record has already been recovered by the police during the course of investigation. Even the petitioners have expressed their willingness to deposit the whole amount to financial loss, which was allegedly caused to Gram Panchayat by them. Consequently, the custodial interrogation of the petitioners may not be required at this stage. The petition(s) are allowed. The petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

The petitioners are directed to deposit a sum of Rs.2,68,585/- each with the Trial Court or Area Magistrate within period of four weeks from today, subject to outcome of the trial before the Trial Court. The concerned Court is directed to deposit the said amount in a fixed deposit in a nationalized bank for the maximum rate of interest, during the course of trial.

The petition(s) stands allowed in above terms.

Pending applications, stands disposed off.

24.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No