

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.118+204-a

CRM-10963-2023 in/and
CRM-M-60599-2022 (O&M)
Date of decision : 21.03.2023

Mukesh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Akashdeep Singh, Advocate, for the petitioner.

Mr. Himmat Singh, DAG, Haryana

SUDHIR MITTAL, J. (Oral)

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Allowed as prayed for.

Annexures P7 & P8 are taken on record.

CRM-M-60599-2022

The petitioner seeks regular bail in case FIR No.56 dated 02.03.2022, registered at Police Station Badhra, District Charkhi Dadri, under Sections 409, 420, 467, 468, 471 & 120-B IPC (Section 201 IPC added in challan).

According to the FIR, the petitioner being the Panchayat Secretary, forged the signature of the Block Development & Panchayat Officer and withdrew a sum of approximately Rs.80 lacs from the account of the Gram Panchayat. This money was embezzled.

Learned counsel for the petitioner has submitted that even as per the case of the prosecution, the entire money was not retained by the petitioner. It was paid to different firms and the proprietors/directors thereof were granted interim bail by this Court as the money received by them

CRM-M-60599-2022 (O&M)

had been returned. The petitioner had received only a small sum of money amounting to Rs.4-5 lacs. In fact, the Block Development & Panchayat Officer, namely, Roshan Lal was the person committing the embezzlement as is evident from enquiry report dated 20.04.2022 submitted by the Sub Divisional Officer (C), Badhra as well as communication dated 21.07.2022 sent by the same official to the Deputy Commissioner. The petitioner has been in custody for over 07 months and the trial is not likely to be concluded at an early date as only charges have been framed as yet. Thus, the petitioner may be granted regular bail.

Custody certificate dated 18.03.2023 digitally signed by Sh. Dinesh Yadav, Deputy Superintendent, District Prison, Rohtak has been filed in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 07 months and 06 days and there is one other criminal case pending against him in which he is not on bail.

Learned State counsel concedes that only charges have been framed as yet. However, he submits that the petitioner had forged the signature of the then Block Development & Panchayat Officer, namely, Yudhvair Singh and the money was withdrawn the day after he was transferred. The allegations against the petitioner are very serious. So far as Roshan Lal is concerned, necessary action has been taken against him too. Merely because, there are allegations against the said person also does not reduce the seriousness of the offence committed by the petitioner. Thus, the petitioner does not deserve the concession of regular bail.

Learned counsel for the petitioner submits that the pending FIR is FIR No.55 dated 01.03.2022 in which identical allegations have been made against the petitioner. In fact, the present FIR and the said FIR were registered almost simultaneously.

Having heard learned counsel for the parties at length and having perused the record with their assistance, I am of the opinion that the petitioner does not deserve the concession of regular bail. Assuming that the amount embezzled has been returned and that there are allegations of corruption against Block Development & Panchayat Officer, namely, Roshan Lal also, the seriousness of the offence allegedly committed by the petitioner cannot be discounted. A huge sum of money has been withdrawn by him in collusion with the bank officials and after forging the signature of the authorized signatory and such allegations cannot be taken lightly.

In view of above, the petition has no merit and is dismissed.

Nothing stated hereinabove shall be construed to be an opinion on the merit of the case.

The trial Court is directed to expedite the trial.

(SUDHIR MITTAL)
JUDGE

21.03.2023
Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

No