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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.3787 of 2024
Date of Decision:-02.02.2024

RAMESH CHANDER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Chand Ram Olla, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana

SANJIV BERRY, J (ORAL)

Learned State counsel has filed reply by way of affidavit dated 02.02.2024 of Deputy Superintendent of Police, Hisar-1, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
651	22.06.2023	409 IPC	Hisar Sadar, District Hisar.

3. Learned counsel for the petitioner *inter alia* contends that the

petitioner is innocent and has been falsely implicated due to party faction. He submits that the petitioner has been working as Gram Secretary and false allegations have been levelled against him that he has misappropriated the auction money of the Panchayat land and have not handed over the official record of the Panchayat to the new incumbent. He submits that infact petitioner has not made any embezzlement and had already handed over the record to the new incumbent, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel has opposed the bail application by referring to the reply dated 01.02.2024 and argued that there are specific allegations against the petitioner of having misappropriated the auction money of the Panchayat while working as Gram Secretary there of, and had not deposited the same in the account of Panchayat. Moreover, he had not handed over the record of the Panchayat including Proceeding Book, Cash Book, Voucher files, Panchayat Fund, Stock Register etc. to the new Panchayat and the recovery there of, is to be effected from the petitioner for which his custodial interrogation is required. He submits that there are 2 other cases registered against the petitioner, hence he prays for dismissal of the bail application.

5. After considering the rival contentions and perusing the record, it transpires that instant FIR was registered on the complaint of the BDPO, Hisar regarding the petitioner while working as Gram Secretary of villages Neoyli Kalan, Rawalwas Khurd, Balsamand, Jakhod Kheda, Bandahedi, Sundawas, Kharia, Dobhi, Hindwan, Migni Kheda and had not handed over

the record to the newly appointed Sarpanch and has also embezzled auction money of the Panchayat amounting to ₹8,37,700/-, accordingly the case was registered. There is specific reply of the State that the petitioner while working as Gram Secretary collected amount of ₹8,37,700/- on account of auction money belonging to the Panchayat but had not deposited the same in the accounts of Panchayat and has thereby embezzled the same. Besides, there is also specific stand that the records of the aforesaid Panchayats which were in his custody have not been deposited back to the respective panchayat nor handed over to the new incumbent. Not only this, the petitioner is facing departmental inquiry and has not even appeared therein. The allegations against the petitioner being serious in nature coupled with the fact that recovery of the record as well as embezzled money is to be effected from him, the petitioner is found not entitled for concession of anticipatory bail.

6. Considering the serious nature and gravity of offence, custodial interrogation of petitioner is required, therefore, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.02.2024
Gyan

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No