

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

...Petitioner

...Respondent

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                        | Sections                                                                                          |
|---------|------------|---------------------------------------|---------------------------------------------------------------------------------------------------|
| 12      | 09.05.2023 | ACB, Faridabad,<br>District Faridabad | 409, 420, 109, 201, 120-B IPC<br>and Sections 13(1)(c) of<br>Prevention of Corruption Act<br>1988 |

“3. That the detailed facts emanating from the present case are that the present case FIR No.12 dated 09.05.2023 under Sections 409, 420, 201, 120-B IPC and Section 13(1) (c) of the Prevention of Corruption Act, 1988 P.S State Vigilance Bureau now ACB, Faridabad was registered on the basis of the enquiry no. 03 dated 06.03.2019 Faridabad. The said enquiry was registered after due approval from the Chief Secretary, Government of Haryana Vigilance Department. The detailed facts have already been mentioned in the present writ petition. However, in brief, Kanwar Pal

Sarpanch withdrew a sum of Rs. 5,00,00,000/- (Rupees Five Crores) from the fixed deposit by getting prepared an estimate from the J.E but no development works were found to be done at the spot. This amount was withdrawn by Kanwar Pal Sarpanch in connivance with the BDPO Ms. Pooja Sharma and Gram Sachiv Mohar Singh (Petitioner) from a fixed deposit of Rs. 5 Crores. Another allegation is that complainant Subhash Chand sought information under RTI Act regarding the development work done by the Sarpanch but the BDPO did not bother to provide the said information and thereafter sent the information to the Information Commission regarding misplacement of the Panchayat record. Thereafter a false DD report was lodged by co-accused Kanwar Pal Sarpanch regarding misplacement of the record pertaining to the development work/receipt book/House Tax record/Bank Pass Book etc in P.S.Sadar Ballabgarh.

4. That during the course of the enquiry co-accused Kanwar Pal Sarpanch could not submit satisfactory reply as to in what capacity Rs.22,29,95,777/- were withdrawn from HDFC Bank and PNB Bank. The intention is very much clear that the record of Gram Panchayat Sotai has been intentionally destroyed by co-accused Kanwar Pal Sarpanch so that embezzled amount could not be disclosed. And in this act Petitioner is involved with the Sarpanch and they did not intentionally intimate the higher authorities. It is pertinent to mention here that in this act the Officers/Officials of the BDPO and private firms are also involved and their role are also being assessed.

5. That it is pertinent to mention here that the matter in question has also been enquired into by the Deputy Commissioner, Faridabad and Co-accused Kanwar Pal Sarpanch and Mohar Singh Gram Sachiv(Petitioner) were found guilty and both were suspended by the competent authority and further BDPO was also found guilty for not intimating the senior officers. Thus, role of the BDPO is also being looked into by the Anti Corruption Bureau.

6. That during the course of investigation, the Investigating officer has taken into possession the bank details, the measurement book of the development work of Gram Panchayat Sotai. investigation of the case, it has been revealed that Rs. 22,58,71,630/- were found to be deposited in the Panchayat account and Rs. 22,29,95,777/- were found to be debited from the said account. It is pertinent to mention here that Rs. 8,02,80,000/- have been shown as expenditure in 72 development works whereas from the perusal of the M.B it has been revealed that Rs. 6,32,94,833/- has been spent on the development work of the Village Panchayat.

7. That during the investigation of the case, Investigating Officer obtained record from the PWD (Public Health) Department and as per their record a total sum of Rs. 1,45,41,660.59/- has been spent on the development work of village Panchayat Sotai whereas these works have been shown as completed by the accused/Petitioner in connivance with the Gram secretary. In this regard, statement of Vinod J.E(now retired) and Ajay Kumar SDO(Now retired) of Public Health department, Sector-

11, Faridabad u/s 161 Cr.PC was recorded by the Investigating Officer.

8. That accused/Petitioner and co-accused Kanwar Pal (Sarpanch) surrendered before the Ld. Court of Chief Judicial Magistrate, Faridabad and the Investigating Officer after taking due permission from the Ld. Court arrested the accused and interrogated. During the custodial interrogation, the bank statements and the other record were deeply examined and found that out of Rs. 15,20,62,488/- Rs. 14,20,46,988 were withdrawn from the account of Gram Panchayat. Furthermore, it has also been revealed that the Petitioner and co-accused Kanwar Pal Sarpanch in connivance with each other gave undue benefit to the firm of Narveer (Aditya Enterprises) and misappropriated the Panchayat Funds and gave commission to Sanjay J.E, Pradeep Kumar SDO, Smt. Pooja Sharma BDPO.

9. That during the investigation of the case accused/Petitioner and co-accused could not produce any evidence regarding the withdrawal of the Rs. 2,14,44,504/- from the account and thus the said amount has also been found to be embezzled Petitioner and the co-accused Kanwar Pal.

10. That during the investigation of the case, few firms having forged address etc and which were working only on papers were also traced by the Investigating Officer and record pertaining to these firms was also obtained. From the perusal of the account statement, it was revealed that Rs. 1,34,25,818 were paid to Aaditya Enterprises, Rs. 1,34,58,385/- to Shree Sai Building material, Rs. 1,28,28,260/- to Dev Enterprises, Rs. 1,31,94,722/- to Gopal RMC, Rs. 54,92,352/- to Satguru Enterprises, Rs. 81,83,832/- to Yash Traders, Rs. 11,93,837/- to Kavya Traders, Rs. 23,74,450/- to R.K.Bhatta Company and furthermore Rs. 50 lacs to 20 firms and Rupees Five Lacs fifty thousand to 30/40 firms and thus accused/Petitioner and co-accused embezzled a huge amount.

11. That from the perusal of the contents of the above said CRM, it is reflected that Petitioner is trying to mislead the Hon'ble High Court on legal as well as factual aspects of the case. Hence being a responsible officer of the Anti Corruption Bureau, Faridabad, the answering respondent wants to bring to the notice of the Hon'ble High Court, the factual and legal position. It is to pertinent mention here Petitioner along with other co-accused has misused their official post and power and caused huge financial loss to the Gram Panchayat."

3. Petitioner's counsel submits that they had voluntarily complied with the order of declaring assets and it is submitted that they shall not claim such declaration as self incrimination, violation of Article 20/21 of Constitution of India or any other fundamental right/law. The investigator may verify such assets if required and proceed in accordance with law, if any anomalies found. The concerned investigator is further directed to forward one original copy of the affidavit to the petitioner's employer within two weeks from today. Counsel further submits that the custodial investigation would

serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. The State’s counsel does not dispute the contention made by counsel for the petitioner, but opposes the bail.

5. Although the amount is massive but considering the pre-trial custody which is more than 3 ½ months and coupled with the fact that petitioner had voluntarily declared assets, there would be no justification for further pre-trial incarceration.

**Petition is allowed.** Interim order dated 15.02.2024, is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)  
JUDGE

20.02.2024  
anju rani

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No. |