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

CRM-M-35554-2024

DATE OF DECISION: 26.07.2024

HARISH KUMAR

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the parties.

SANDEEP MOUDGIL, J (ORAL)

The Punjab and Haryana High Court Bar Association has decided to abstain from work today i.e. 26.07.2024 on account of 'No Work Day' in view of the representation given by the District Bar Association Chandigarh, in which it was demanded by District Bar Association, Chandigarh to support the ongoing protest against Chandigarh Administration for sending the proposed draft of Chandigarh Union Territory Tenancy Act, 2019 to the Parliament Session for its notification.

2. The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023 (erstwhile S. 438 of the Cr.P.C.) for grant of anticipatory bail in case FIR No.0142 dated 29.06.2024 registered under Section 409 IPC at Police Station Barara, District Ambala, Haryana.

3. The contents of above-mentioned FIR is reproduced below :-



‘Respected Sir, the copy of application was received through Post in the Police Station, which is attached herewith -Sender Block Development and Panchayat Officer, Barara. Sent to Police Station Incharge Barara. Serial Number:- 1780 dated 29.06.2024 Subject:- Regarding embezzlement of the amount sanctioned for Valmik Chaupal by former Sarpanch Shri Harish Kumar, Gram Panchayat Talhedi R. Regarding Village Secretary, Gram Panchayat Talhedi R., a grant of Rs. 4 lakh was received in the Gram Panchayat for Valmik Chaupal. After which a complaint made by Shri Gurdeep Singh, son of Mr. Karamjeet Singh, resident of Talhedi R. was received in the Block Office, in which it is written that the amount of Rs. 4 lakh received for Valmik Chaupal has been embezzled by former Sarpanch resident of Talhedi R. After this, on the spot inspection of Valmik Chaupal was got conducted by the undersigned, through Sh. Manish Kumar, Junior Engineer. According to the report given by him, an amount of Rs. 33,707/- were found to have been spent on Valmik Chaupal. The outstanding amount of Rs. 3,66,293/- has been embezzled by former Sarpanch Shri Harish Kumar. Therefore, please take action as per rules against the former Sarpanch Shri Harish Kumar, Gram Panchayat Talhedi R. and a copy of that may please be send to the office. The report given by Sh. Manish Kumar, Junior Engineer attached along with this letter is being sent to you for further and necessary action. SD SUSHIL MANGLA, Block Development and Panchayat Officer, Barara Page No.: Date:- a copy of this is sent to the Deputy Commissioner, Ambala for information and further necessary action."

4. As per the pleadings made in the petition, the petitioner has been falsely implicated in this case as there is no record available to connect the petitioner with the commissioning of the alleged



offence. It is further mentioned that present FIR was in fact an offshoot on account of the grudge against the petitioner as he had already filed a complaint case in September, 2021 under Sections 406, 407, 468, 420, 120-B, 506 and 34 IPC against one Sh. Roshni Devi (who was the sarpanch of the village prior to the petitioner and also happens to be the mother of Sh. Gurdeep Singh S/o Sh. Karamjeet Singh on the basis of whose complaint the present FIR was got registered by the BDPO, Barara) along with the then Village Secretary Sh. Jagmohan as well as the then BDPO. Thus the registration of present FIR was only with a view to pressurize the petitioner to withdraw his complaint. It has been further mentioned that custodial interrogation of the petitioner is not required as all the documentary evidence are already in possession of the Gram Panchayat.

5. Keeping in view the facts mentioned above, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time, as stated in the paper book.

6. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of



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Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

7. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

8. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

26.07.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>