



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61881-2024
Date of Decision:10.12.2024

Subash Chander ...Petitioner

vs.

State of Haryana ...Respondent

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

Present : Mr. Sunil Sihag, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in a case FIR No. 20, dated 09.08.2023, under Sections 409,418, 420,467,468,471,120-B of IPC and under Sections 13(1) (c) & 13(1)d of Prevention of Corruption Act, registered at Police Station Anti Corruption Bureau, Hisar.
2. Learned counsel for the petitioner contends that the alleged offence was committed in the year 2016, whereas, the complaint was filed in the year 2018 and the FIR has been registered after a long and unexplained delay on 09.08.2023. He further contends that the petitioner had nothing to do with the alleged ofence, as he had no conern either with the PMYA or with the material used for development work. His duty was only to do some writing work including preparing the minutes of the meeting and to maintain accounts of Gram Panchayat etc. Even, he further contends that the allegations were

primarily levelled against Kalawati, the then Sarpanch of the Gram Panchayat, who has already been admitted to anticipatory bail by this Court vide order dated 21.11.2024 (Annexure P-3). He further contends that even Kalawati agreed to deposit a sum of Rs.2,30,263/- with the Area Magistrate/ Trial Court subject to outcome of the trial. Learned counsel further contends that since the entire record of Gram Panchayat has already been taken into possession, his custodial interrogation may not be required in the facts and circumstances of the present case.

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had conspired with Kalawati to cause loss to the Gram Panchayat. She further contends that the petitioner was the Principal Officer of the Gram Panchayat and does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully in the present case.

5. It is not in dispute that the allegations were primarily levelled against Kalawati, who has already been granted the concession of anticipatory bail vide order dated 21.11.2024 (Annexure P-3). Even, the allegations pertained to the misuse of funds of Gram Panchayat to the tune of Rs.2,30,263/- and Kalawati has already agreed to deposit the said amount with the Area Magistrate/Trial Court, subject to outcome of the trial. Further, the documentary evidence has already been collected by the police and the custodial interrogation of the petitioner is not imperative.

6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail,

subject to the conditions as provided under Sections 482 (2) of B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482 (2) of B.N.S.S.

10.12.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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