



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

236

CRM-M-393-2025

Date of decision: 04.03.2025

Ram Parsad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ajay Chaudhary, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.181 dated 09.11.2024 under Sections 120B, 406, 409, 420, 467, 468, 471 of the IPC registered at Police Station Loharu, District Bhiwani.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 09.11.2024 in a case which essentially hinges on documentary evidence; challan stands presented and hence there can be no possibility of the petitioner tampering with evidence as all the incriminating evidence collected against the petitioner is now part of the challan. It has been further asserted that even otherwise the only role attributed to the petitioner, who is a *Nambardar*, is of having filled in his own bank account number instead of the bank account number of the relevant beneficiaries. Learned



CRM-M-393-2025

counsel has asserted that the names of the beneficiaries in the forms had been correctly filled up by the petitioner and hence, no *malafides* could be attributed to him in the circumstances. It has been further submitted that since charges are yet to be framed and 25 witnesses have been cited by the prosecution, the possibility of the trial concluding in the near future looks remote.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has it been disputed that the entire case of the prosecution is based on documentary evidence which is part of the challan. It has, however, been asserted by the learned State counsel, on instructions, that although the names of the relevant beneficiaries had been rightly recorded in the form, however, as far as the bank account number of the beneficiaries is concerned, the petitioner had filled in the bank account numbers of his relatives, including his own wife and in whose account subsequently an amount of Rs.3,79,208/- was disbursed. In addition, learned State counsel has reiterated the contents of the FIR which stand reproduced hereinunder:-

“From: Tehsildar Loharu To Sub Divisional Officer Civil Loharu. Memo No. 140/T.R.A. dated 24.07.2024 Subject Inspection of distribution of compensation amount of Kharif 2021. Reference your Memo No. 675 dated 11.07.2024 on the cited subject, it is requested that the discrepancy in the compensation amount distributed by Sh. Rajbir Patwari Halka Fartia request letter received from Sh. Pardeep Kumar, Advocate sought information under Right to Information Act regarding compensation under A.P.R. Before providing the information, the record was inspected in which it has been found that Patwari Halka made some discrepancies in the A.P.R. of people's



accounts. Thereafter, vide Memo No. 123/T.R.A. dated 10.07.2024 Patwari Halka was instructed to appear before Naib Tehsildar Loharu to keep his favour within 3 days by giving notice. Vide Memo No. 124/T.R.A. dated 10.07.2024 this notice was forwarded to Sub Divisional Officer Civil Loharu for information and necessary action. Vide letter No. 675 dated 11.07.2024 Sub Divisional Officer Civil Loharu gave following orders in this original letter "Tehsildar loharu to enquire the matter and submit report to undersigned. If allegation made are found true and appropriate disciplinary action also be initiated along with recovery of the compensation amount. In compliance of above orders Patwari Halka the then Tehsildar Loharu and the then Naib Tehsildar Loharu and present Naib Tehsildar Loharu received reply of notice. In his reply, Patwari Halka told that compensation of A.P.R. Kharif 2021 was distributed by me for which I investigated deeply and it was found that in the accounts of total 37 beneficiaries, an amount of Rs.379208 Three Lakh Seventy Nine Thousand Two Hundred Eight was debited in wrong accounts. This mistake was made by Sh. Ramparsad Numberdar Deh who registered the beneficiary's names and father's names in actual, but mentioned the Aadhar Numbers and Accounts Numbers of their family members and favorites. On this basis, I prepared the list from the operator. At that time, my younger brother was at the last stage of cancer. Due to this, I was mentally upset during the treatment of my younger brother and I could not compare the prepared A.P.R. in proper manner. After getting signature from Kanungo, the then Tehsildar Loharu and the then Naib Tehsildar Loharu and present Naib Tehsildar Loharu made signatures and was forwarded to bank. Sh. Ramparsad, Numberdar Deh through notice was asked to be present in the office on the statement of Patwari Halka in which he stated that "I Ramparsad Numberdar Deh Fartia Kehar clarified the compensation in the year 2021 that Patwari Rajbir gave me a list of A.P.R. in handwritten and said that amount in these accounts had not been credited, those may be written in my copy, then on asking by Patwari, I wrote those names in rough copy. Patwari told that my brother is ill and after coming, I will take care". Manager Punjab National Bank Loharu through notice was called in the office regarding amount credited in wrong accounts on which he verbally told that as per instructions during crediting through RTGS, the names and father's names were not considered, but only bank account number and I.F.S.C. Code are matched. Thus, the accounts which are mentioned before the names of beneficiaries, the amount is credited. (Documents are attached provided by the bank).



The then Tehsildar Loharu and the then Naib Tehsildar Loharu and present Naib Tehsildar Loharu signed on compensation A.P.R. The then Tehsildar Loharu and the then Naib Tehsildar Loharu and present Naib Tehsildar Loharu was asked for reply on which present Naib Tehsildar stated that "I was appointed to the post of Naib Tehsildar Loharu on 16-08-2022. On 18-08-2022, Sh. Rajbir Singh Patwari Halka Fatriya prepared a compensation of Kharif 2021 on 09.08.2024. One A.P.R. presented before me for signature for sending it to P.N.B. Bank Loharu for payment. Compensation A.P.R. was according to the registered A.P.R. Number and person's name. This A.P.R. is prepared by Patwari Halka according to compensation list. In this list, registered Aadhar Number, I.F.S.C. Code and account number is prepared by Patwari itself to visit in the villages and after collecting the same and then registered in the A.P.R. So, it is clear that on A.P.R.. Aadhar Number, I.F.S.C. Code and bank account number was filled up by Patwari with full satisfaction. On A.P.R. and on main A.P.R., Patwari filled up right names and father's name for obtaining compensation. Under R.T.I., Sh. Pardeep Kumar by seeking information mentioned in the A.P.R. that after perusing in the A.P.R., it has been noticed that in main A.P.R. Number, the names, father's names, Aadhar Numbers and bank account numbers were registered wrongly in A.P.R. because A.P.R. Patwari with full satisfaction after signing and verifying from Kanungo presented before me for which I have signed it and sent to bank. Due to the pressure of the post of Naib Tehsildar, it is not possible to inspect A.P.R. Virtually. When the A.P.R. prepared by Patwari and signed and verified by Kanungo and then presented, there was no reason for me not to sign it so that I consider it. I made my signatures. I joined on the post of Naib Tehsildar on 16-08-2022 and list was prepared before my joining on 09.08.2022 which is clear that I did not know any beneficiary at the time of signing." The then Tehsildar Loharu Dr. Jodha Ram stated that "I was posted Teshildar during this in Tehsil Loharu. During this, Sh. Rajbir Singh Patwari Halka Fartia presented before me a compensation Kharif 2021 A.P.R. for signing and sending to P.N.B. Bank Loharu for payment. Compensation A.P.R. was made according to original A.P.R. Number and person's names. This A.P.R. was prepared by Patwari Halka according to compensation list. In this list, registered Aadhar Number, I.F.S.C. Code and bank account number was registered by Patwari after visiting the village and verifying all the facts and recorded in the A.P.R. So, it is clear that Aadhar Number, I.F.S.C. Code and bank account number are filled up on the A.P.R.



with full satisfaction by Patwari. Patwari filled up original A.P.R. Number, name of beneficiary and father's name on the A.P.R. for obtaining compensation, but in the said matter, it has come to notice that in original A.P.R. Number, beneficiary name and father's name are correct, but Aadhar Numbers and bank account numbers were wrongly registered before their names because making full satisfaction and sending by A.P.R. Patwari and verifying by Kanungo, the same was presented before me for sending it to the bank after signing me. Here, it is worthwhile to mention here that the post of Tehsildar has highly pressure for which to inspect A.P.R. virtually is not possible. When Patwari prepared and signed A.P.R. and Kanungo verified and after presentation, there was no reason for not signing by me so that considering it correct, I made signatures on A.P.R. To prepare A.P.R., the full responsibility is of Patwari Halka. I want to justify it that I do not know any beneficiary personally and during this period, my retirement was near so that I remained on leave mostly. The then Naib Tehsildar Loharu presently posted as Naib Tehsildar Behal stated that he had additional charge of Tehsil Loharu. During this, Rajbir Singh Patwari Halka Fatriya prepared a compensation Kharif 2021 list and one A.P.R. presented before me after signing it to send the same to the P.N.B. Bank Loharu. Compensation A.P.R. was according to the original A.P.R. Number and person's names. This A.P.R. was prepared by Patwari Halka according to the compensation list. In this list, registered Aadhar Number, I.F.S.C. Code and bank account number was prepared by Patwari itself with full satisfaction after visiting the village and after collecting from people and registered in the A.P.R. It is clear that on A.P.R., Aadhar Numbers, I.F.S.C. Code, bank account numbers are filled up by Patwari with full satisfaction. Patwari made right entry on A.P.R. as per original A.P.R. name and father's name, but in the matter, it has come to know that in A.P.R., the names and father's names of beneficiaries in original A.P.R. is correct, but Aadhar Numbers and bank account numbers were registered on wrong people because Patwari made with full satisfaction and signed and Kanungo verified, then it was presented before me to sign and send it to bank. It is worthwhile to mention here that the post of Naib Teshildar has highly pressure so that to verify A.P.R. is not possible virtually. When A.P.R. prepared by Patwari and signed and verified by Kanungo presented before me, there was no reason for me not to sign it considering it correct, I made signatures on A.P.R. To prepare A.P.R., it is the full responsibility of the Patwari Halka. I also want to justify that I do not know any beneficiary personally. In addition to this statement,



CRM-M-393-2025

main A.P.R. and the A.P.R. supposed to send in the bank was also perused and found that in the A.P.R. of 37 beneficiaries before the names and father's names, Aadhar Card Numbers, bank account numbers not mentioned correct the names of Ramparsad Numberdar family members and favorites. Aadhar Numbers and bank account numbers were written, but to prepare compensation A.P.R. was the full responsibility of Patwari Halka. It is mentioned here that the post of Numberdar Deh is also responsible post. Generally, while preparing A.P.R., Patwari Halka seeks the help of Numberdar who write bank account number and Aadhar number because on this A.P.R., the name of Numberdar Deh and family members and relatives account number has filled up. It seems that it has been done from the collaboration of Patwari Halka and Numberdar Deh. From this, it is clear that it is the clear cut of embezzlement and misuse of Government Property against Bhima by Rajbir Halka Fatriya. In this way, Numberdar Deh, Sh. Ramparsad who are directly at fault and FIR may be registered against Numberdar and Patwari. It is recommended that Numberdar Deh may be removed from his post and Patwari Halka may be suspended during inquiry so that he cannot be made any tempering with record and recovery of Rs.379208 (wrongly sent) may also be recovered from him so that the amount may be sent in the accounts of actual beneficiaries. Report is presented before you after taking further action. Sd/- Vikram Singh Tehsildar Loharu”

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 09.11.2024 in a case resting on documentary evidence. Challan stands presented and, therefore, there can be no risk of the petitioner tampering with incriminating evidence collected against him. The trial would take considerable time to conclude as 25 witnesses have been cited. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

**CRM-M-393-2025**

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

04.03.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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