

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2309-2025

Reserved on: 5th March, 2025

Pronounced on: 7th March, 2025

Jai Singh

...Petitioner

Versus

State of Haryana

...Respondent

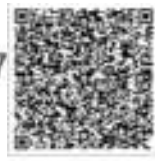
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.K. Chugh, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 11 dated 15.02.2024 registered under Sections 409 and 120-B of IPC (Sections 420, 477, 477-A of IPC added later on) at Police Station Baragudha, District Sirsa.

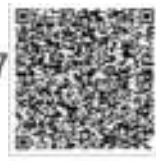
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the Block Development and Panchayat Officer, Sirsa (for short, 'BDPO') alleging that a committee was constituted which conducted inquiry with regard to the Shamlat land falling under the jurisdiction of Gram Panchayat, Kamal and it was revealed that the cash book, passbook and lease registers of this Panchayat did not contain any entry qua income of the shamlat land for the financial years 2021-22, 2022-23. It was also revealed that the petitioner who was the then Gram Sachiv (Secretary) had caused loss to the tune of Rs. 10,10,100/- to the Gram



Panchayat. He had also caused financial loss to the tune of Rs. 13,03,500/- and 1,59,000/- respectively qua Gram Panchayat Pakka and Rohan. He was not found to have deposited income of shamlat land of these villages which was assessed to be to the tune of Rs. 24,71,700/-. A case under Section 409 of IPC was registered. Subsequently, offences under Sections 420, 477 and 477-A of IPC were added. The petitioner was arrested on 13.06.2024. He suffered disclosure statement admitting his involvement in the act of criminally misappropriating the money belonging to the Gram Panchayats and got recovered cash amount of Rs. 10,000/- and a vehicle. The co-accused Ravi Kumar posted as BDPO at the relevant time was also arrested. Investigation has since been completed. The petitioner had moved application for grant of regular bail before the Court of learned Sessions Judge and vide order dated 18.12.2024 passed by her, the petitioner was directed to deposit a sum of Rs. 24,71,700/- and was extended benefit of interim bail. He failed to deposit the same. His bail application was dismissed vide order dated 24.12.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 13.06.2024. The co-accused Ravi has been extended benefit of bail. The subject offences are triable by Magistrate. He does not have any criminal antecedents. Trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is argued that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that the allegations against the petitioner are serious in nature. He being Gram Secretary had caused loss to the tune of Rs. 24,71,700/- by not depositing the income of shamlat land of



three Gram Panchayats of vilages Kamal, Pakka and Rohan and has criminally misappropriated that amount. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner in connivance with the co-accused is alleged to have caused to the tune of Rs. 24,71,700/- to the Gram Panchayats of three villages, of which he was Gram Sachiv. He is in custody since 13.06.2024. Trial is likely to take time. No benefit would be served by the petitioner's further incarceration. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attending facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*