

CRM-M-15174-2025
Date of Decision:20.05.2025

...Petitioner

VS.

...Respondent

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

Present : Mr. P.K.Chugh, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.91 dated 17.06.2024 registered under Sections 409, 120-B of IPC, at Police Station Baragudha, District Sirsa.
2. The FIR in the present case was registered on the basis of the complaint moved by Block Development and Panchayat Officer, Baragudha and the same has been reproduced below:-

“From Block Development and Panchayat Adhikari Badaguda To, Police Station Manager Badaguda. No. 3453 Dated 12-3-2024. Subject: Regarding registration of a criminal case for embezzlement against Mr. Jai Singh Village Secretary (Mobile No.99967-86035) of the then Block Baragudha (now suspended due to HQ Block Development and Panchayat Officer, Sirsa). Regarding the above matter, it is hereby written to your service that in reference to letter No. 1053/GPO Sirsa/11.03.2024 of the Office of the Chief Executive Officer, Zilla Parishad, Sirsa, Mr. Jai Singh, Village Secretary of the then Block Baragudha (currently

suspended due to HQ Block Development and Panchayat Adhikari, Sirsa) in Gram Panchayats Surtia, Rodi, Kurganwali, Phaggu Rohan, Kamal, Pakkashahinda. Rs. 57,49,850/- (Rs. Fifty-Seven Lakhs Forty-Nine Thousand Eight Hundred and Fifty Rupees) from Panchayat Fund and 15th Finance Commission to take appropriate legal action as per the rules for recovery with 21% (percent) interest. Therefore, you are requested a case has been registered by you for not depositing the sum of 24,71,700/- (Rupees Twenty Four Lakh Seventy One Thousand Seven Hundred) of Shamlat Bhoomi through letter No. 2974 dated 13.02.2024 of the Office of Block Development and Panchayat Adhikari Baraguda against Mr. Jai Singh Village Secretary then Block Baragudha (currently suspended due to HQ Development and Panchayat Officer, Sirsa), whose FIR No. 0011 is dated 15.02.2024. and in addition to this, please file a case in Gram Panchayats Surtia Road Kurganwali, Faggu Rohan, Kamal, Pakkashahida about the embezzlement of the amount of Rs. 5749850/- from the 15th Finance Commission and tampering with the records of the panchayats. Copy of the attached document (Page No. 1 to 114) Block Development and Panchayat Adhikari Badaguda. Sd/ Block Development and Panchayat Officer Badagudha.”

3. Learned counsel for the petitioner contends that the petitioner has been wrongly named by the complainant in the FIR. However, there was no evidence against the petitioner to connect him with the commission of crime. Even during the course of investigation, an amount of Rs.15,000/- has been shown to have been recovered from the petitioner and no other evidence was found. The petitioner was arrested in the present case on 21.09.2024 and is in custody for the last 08 months. Now the final report under Section 173 Cr.P.C. has been present against him.

4. On the other hand, status report by way of an affidavit of Superintendent of Police, Sirsa has been filed by learned State counsel in Court today and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. He has further assured the Court that one SIT, which is headed by Mr. Sanjeev Balhara, HPS, Deputy Superintendent of Police, Ellenabad, has been constituted in the present case, who shall investigate the case fairly and impartially.

5. I have heard the learned counsel for the parties and perused the record.

6. It is apparent that all the offences in the present case are triable by the Court of Magistrate. The petitioner was arrested in the present case on 21.09.2024 and is in custody since then. Challan has been presented against the petitioner and his further custody will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

20.05.2025
hemlata

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