

**CRM-M-25164-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.204****Case No. : CRM-M-25164-2025****Decided On : May 29, 2025**

Mohd. Abbas

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

* * *

Present : Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

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SUKHVINDER KAUR, J. :

Prayer in the present petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of anticipatory bail to the petitioner in FIR No.56 dated 19.04.2025 under Sections 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Roz Ka Meo, District Nuh.

The FIR in question was registered on the basis of written communication dated 02.09.2024 from the office of BDPO, Indri, which was received in the Police Station, Rojka Meo to the effect that Smt. Nahida, Sarpanch, Rojka Meo, had moved a complaint, alleging therein that Panchayat money had been embezzled by Deen Mohammad and Smt. Khatuni, Ex-Sarpanch. On inquiry, it was found that an amount of Rs.10,38,000/- was credited in the account of proprietor of Arawali Consultation Company, Rs.70,000/- in the account of one Mohammad



Wasim, two amounts of Rs.1,98,900/- and Rs.1,10,000/- in the account of Javed, Rs.1,01,500/- was credited in the account of Aajum Ali and again two amounts of Rs.2,10,000/- and Rs.1,95,000.50 were again credited to the account of aforesaid Javed. All these amounts were credited as detailed above, by forging the signatures of Smt.Khatuni and Amit Dagar. It was alleged that the Proprietor of the said firm had withdrawn money on earlier occasions also from the account of Gram Panchayat Udaka. Therefore, action against Proprietor of Arawali Consultation Company was sought and on the basis of said complaint, FIR in question was registered.

Learned counsel for the petitioner has contended that the petitioner's firm is working for door to door collection of solid waste under GPD Scheme. He also worked under the said Scheme in Gram Panchayat Rojka Meo and total amount was assessed as Rs.10,38,538/-. The said amount was deposited in the proprietorship concern of the petitioner on account of the work done by him. Later on, when the petitioner came to know that the said payment had not been made as per rules as the required Coram was not there, he returned back said amount to Gram Panchayat through RTGS on various dates, much prior to the registration of the present FIR. As such, there was no mala fide intention on the part of the petitioner and he is ready and willing to join the investigation.

Notice of motion was issued in this case on 08.05.2025 and Status Report was called from the State, which has been filed today in Court and is taken on record.

Learned State counsel, while opposing the present bail petition, contended that the aforesaid amount was transferred by the petitioner from



the account of Gram Panchayat Rojka Meo, by forging signatures of Ex-Sarpanch Mrs. Khatuni and Village Secretary Amit Dagar, by committing fraud and cheating. He had affixed forged signatures on the withdrawal forms. When he came to know about the contemplation of present FIR against him, then he deposited the defrauded money of Village Panchayat funds without giving any information to the Investigating Officer. He further contended that custodial interrogation of the petitioner is required for fair and effective investigation and in case, he is granted anticipatory bail, then he may not co-operate with the investigation of case.

Heard.

A perusal of the Status Report, filed today in Court, reveals that the petitioner deposited the alleged embezzled amounts of Rs.4,98,500/- on 04.03.2024, Rs.2,00,000/- on 04.04.2024, Rs.90,000/- on 19.06.2024 and Rs.2,50,000/- on 23.01.2025, thereby depositing a total amount of Rs.10,38,500/-. Thus, the petitioner has deposited the entire amount of alleged misappropriation. Now, nothing is to be recovered from him and no useful purpose would be served by sending him behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner is ordered to be released on bail, on furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard. The petitioner shall also abide by the conditions mentioned in Section 482(2) of the BNSS.



However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

May 29, 2025

monika

(SUKHVINDER KAUR)
JUDGE

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