



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-27917-2025

DATE OF DECISION: 21.05.2025

AKHLAK KHAN

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saleem Ahmed, Advocate for the petitioner(s).
Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 of BNSS for grant of Anticipatory Bail to the petitioner in case F.I.R. No.052 dated 24.04.2024 U/s 406, 409, 420, 468, 471, 120-B IPC 1860 registered at Police Station Bicchor, District Nuh (Haryana).

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘To DDPO, Nuh. Subject: Embezzlement of Panchyat fund by acting Sarpanch Jaikam and Panchyat Secretary Shri Mubeen of Gram Panchyat Dadauli Block Punhana, District Nuh. Sir, it is requested that I am a panch and residents of Gram Panchyat Dadauli, Block Punhana District Nuh. That the acting Sarpanch of Gram Panchyat Daduli, Block Punhana District Nuh, Shri Jaikam and Secretary Shri Mubeen in connivance with each other have embezzled the Panchyat Fund about Rs.27-28 lakhs without doing any development work, without calling the meeting of Gram Panchyat and without passing resolution. That acting Sarpanch and panchayat Secretary both misused the



Panchyat fund. Before taking the charge by acting sarpanch, amount of about Rs.35 Lakhs was stand credited in the Panchyat fund of Gram Panchyat Dadauli. Now, it came to know that only about Rs.9 Lakhs is balance in the Panchyat fund. Acting Sarpanch and Gram Secretary have committed a big crime by embezzling a lot. Hence, it is requested that legal action may be taken by registering the case against acting Sarpanch Jaikam and Secretary Mubeen regarding embezzlement of fund of Gram Panchyat Dadauli, Block Punhana, District Nuh and inquiry be conducted by suspending the above acting Sarpanch and Panchyat Secretary immediately. It will be thankful to you. SD/ Sakir.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that the petitioner was not named in the instant FIR and was implicated on the basis of disclosure statement made by co-accused. It is his further submission that the main accused namely Jaikam has already been granted concession of anticipatory bail by this Court vide order dated 04.12.2024 passed in CRM-M-30041-2024. He has further pointed out that an amount of Rs. 2.50 lakhs has already been deposited by accused Jaikam himself.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

**On behalf of the State**

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner has received the embezzled amount in his bank account and committed fraud upon the government, hence, he is not entitled to concession of anticipatory bail.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties that main accused has already been granted concession of anticipatory bail, nothing is to be recovered from him, and Rs. 2.50 lakhs has been deposited by the main accused, more so, he was initially not named in the FIR and was implicated on the basis of the disclosure statement made by co-accused, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. Relief

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the



terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

21.05.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No