IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-31944-2025(O&M)

Date of Decision:-18.08.2025

Deen Mohammad.

......Petitioner.

Vs.

State of Haryana.

......Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vikram Singh, Advocate for the Petitioner.

Mr. T.P. Singh, Senior DAG Haryana.

Mr. Neeraj Kumar, Advocate for the Complainant.

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JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 483 BNSS, 2023 (previously Section 439 Cr.PC) is for grant of the grant of regular bail to the petitioner in case FIR No.182 dated 05.11.2023 under Sections 409, 420, 467, 468, 471, 201, 120-B IPC and Section 7 & 13 of Prevention of Corruption Act, 1988 (added subsequently) registered at Police Station Rozka Meo, District Nuh.

2. This case was registered on the basis of an inquiry report submitted by BDPO, Nuh regarding embezzlement of funds of Gram Panchayat Rojka Meo. The case of the prosecution, in brief, is that during the years 2011 to 2016, co-accused Ramjan was Sarpanch of

village Rozka Meo. The land of Gram Panchayat Rozka Meo was acquired by State of Haryana. According to the prosecution, co-accused Ramjan illegally opened bank account of Gram Panchayat in Union Bank of India, Village Jharsa, Gurugram in connivance with co-accused Nasim Ahmed and Hoshiyar Singh, Manager of the Bank and became a single signatory on behalf of Gram Panchayat in that account. He allegedly deposited the amount of compensation received from HSIIDC in that account of the Gram Panchayat and started withdrawing the amount from the said account dishonestly in connivance with other accused. He allegedly did not inform the office of BDPO regarding opening of that account and deposit of amount of compensation in that account.

3. In the year 2016, co-accused Smt. Khatoni was elected Sarpanch of the Gram Panchayat and she allegedly opened another account in the same bank in the name of Gram Panchayat secretly and she also deposited the amount of compensation received from HSIIDC in the said account. She also continued withdrawing the amount from the said account in connivance with other accused. After expiry of tenure of Smt. Khatoni, Deen Mohd. (petitioner) was elected Sarpanch of the Gram Panchayat in the year 2021 but he also did not inform the office of BDPO, Nuh about the above said bank accounts in the name of Gram Panchayat. As per the inquiry report, all the accused misappropriated/embezzled an amount of Rs.24,27,90,726/-belonging to the Gram Panchayat. During investigation, co-accused Ramjan and Nasim Ahmed were arrested. During interrogation, they admitted their

guilt. Co-accused Ramjan disclosed that an amount of Rs.1,42,00,000/- had come to his share and he had spent the said amount for constructing his house and purchasing some properties. Co-accused Nasim Ahmed allegedly disclosed that the amount of Rs 40-41 lakhs approximately had come to his share.

4. The investigation revealed that an amount of Rs.6,30,37,611/-was transferred from the above said accounts of Gram Panchavat in the account of Sehrawat Enterprises and the present petitioner was a proprietor of that firm. The petitioner was arrested on 18.03.2025. During interrogation, he allegedly suffered his disclosure statement, wherein, he admitted his involvement in the offence. However, nothing could be recovered from him.

5. The counsel for the petitioner contends that the petitioner was running the business of building material and he sold the building material of Rs.6,30,37,611/- to Gram Panchayat of Village Rojka Meo against valid bills and the above said amount was transferred in the account of the petitioner as cost of that building material. He contends that the petitioner joined as Sarpanch of Gram Panchayat Rojka Meo in the year 2021 and no amount from the alleged secret accounts of Gram Panchayat was withdrawn during tenure of the petitioner. He further contends that some persons who had allegedly received some amount from the alleged fake accounts of Gram Panchayat, have been declared innocent by the police. As the petitioner is in custody since 18.03.2025, but none of the 19 prosecution witnesses have been examined so far, the trial of the present case is not likely to be

concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State as well as counsel for the complainant, on the other hand, contend that as per record no resolution regarding any work and purchase of building material from the petitioner was passed by the Gram Panchayat. Since no construction work was done in the village, it can not be believed that the petitioner supplied building material to the Gram Panchayat. Further the bills regarding supply of building material to the Gram Panchayat are paper transactions only. It is further contended that the amount of Rs.24 crores approximately belonging to Gram Panchayat was embezzled by all the accused in conspiracy with each other. An amount of Rs.6,30,00,000/-, approximately, was transferred in the firm of the petitioner but the petitioner remained absconding for about one year and four months and did not get recovered any amount. Looking at the nature of the allegations levelled against the petitioner, he is not entitled to the concession as prayed for. They however concede that the petitioner is in custody since 18.03.2025 and that none of the 19 Pws have been examined so far.

5. I have heard the learned counsel for the parties.

6. Though the allegations against the accused including the petitioner are grave the veracity of the said allegations against the petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, the petitioner is stated to be in custody since 18.03.2025 and none of the 19 prosecution witnesses have been

examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Hence his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Deen Mohammad** son of Sh. Rozdar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

9. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 18, 2025
Vinay

Whether speaking/reasoned	***Yes/No***
Whether reportable	***Yes/No***