



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-04.08.2025

CRM-M-39348-2025(O&M)

Yogesh Kumar.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

AND

CRM-M-29338-2025(O&M)

Subash Chander.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Aditya Sanghi, Advocate for the Petitioner
(in CRM-M-39348-2025).

Mr. Sunil Sihag, Advocate for the Petitioner
(in CRM-M-29338-2025).

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

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of both the
aforementioned petitions as the same have arisen out of one and the same
FIR.

2. The prayer in these petitions under Section 483 BNSS, 2023 is



for the grant of regular bail to the petitioners in case FIR No.309 dated 24.09.2022 under Sections 409, 420, 467, 468, 471, 120-B IPC and Sections 7/13(1)(b)/17 of Prevention of Corruption Act, 1988 registered at Police Station Nathusari Chopta, District Sirsa, Haryana.

2. The present FIR was registered on the basis of an inquiry conducted by the Collector, Sirsa on the basis of a complaint moved by Shri Ram Bhagat son of Sheo Chand, former Sarpanch village Rajpura Sahni Block Nathusari Chopta, Sirsa against Vivek Kumar, BDPO, Nathusari Chopta. During inquiry the statements of Vivek Kumar BDPO Nathusari Chopta, Subhash, Village Secretary (applicant), Kamal Singh, Accounts Clerk, Sohan Lal Assistant, Yogesh Kumar etc. were recorded and after going through their statements and complaint, it was concluded that Shri Vivek Kumar BDPO and Subhash Chander Panchayat Secretary had misused the panchayat fund of Gram Panchayat Hanjira and Jodkiya because the tenure of the abovesaid Panchayats extinguished on 22.02.2021 and thereafter amount was withdrawn from the account of both the Panchayats. Further the said amount was thereafter deposited back into the accounts which is completely in violation of the rules. It was further concluded that the work for which the amount was withdrawn, was not carried out and after the complaint was filed, the money was redeposited in the accounts of concerned Panchayats but the information of the entire episode was never given to any officer. Vivek BDPO and Subhash Chander applicant in collusion with each other had signed the cheques and got the payment done which proves their guilt. Further Subhash Chander handed over the cheques to Shri Yogesh Poonia and the Manager of the firm Shri Roop Singh who had withdrawn Rs.6,95,575/- and Rs.2,92,030/- through cheques which shows the collusion of Subhash Chander applicant, Yogesh Poonia and



Roop Singh. Further it was observed that Shri Kamal Singh, Accounts Clerk in his statement admitted that he was having the charge of Accounts Clerk in the office of BDPO Nathusari Chopta and the charge of Accountant in the Office of Panchayat Samiti and on 22.02.2021 on completion of the tenure of Panchayat Samiti, the charge was handed over to SDO (Civil), Sirsa and the Administrator was having the financial power of the Panchayat Samiti but Vivek Kumar BDPO vide his office letter no.3344 dated 26.02.2021 informed the Manager of Haryana Gramin Bank for operating the account number 82431700018497 by BDPO Nathusari Chopta alone and a sum of Rs.31,45,262/- was paid from the Account of Panchayat Samiti on account of carrying out works in the gymnasiums and despite having the knowledge of every aspect, BDPO Nathusari Chopta made payment of Rs.3145262/- on account of work going on in gymnasiums of different villages. The officials of the bank namely Raghvender Sr. Manager, Sarv Haryana Gramin Bank in his statement has stated that on the basis of specimen signatures given by the department, the payments were released on the basis of cheque bearing signatures of BDPO and Subhash Chander Panchayat Secretary. Hence, it was concluded that in order to carry out this work, the officials namely Vivek Kumar BDPO, Subhash Chander Panchayat Secretary, Yogesh Poonia Sarpanch and Kamal Singh Accounts Clerk alongwith the Manager of the firm Roop Singh have misused the panchayat funds of Panchayat Samiti Nathusari Chopta and Gram Panchayat Hanjira and Jodkiya and they are all prima-facie the culprits, so departmental action was recommended against them and the matter was directed to be investigated through State Vigilance Bureau. Hence, the present FIR was registered.

3. The counsels for the petitioners contend that taking the allegations to be correct, the petitioners are alleged to have defalcated a sum



of Rs.9.86 lacs which amount already stands deposited prior to the registration of the FIR. As the petitioners are in custody since 18.06.2025 and 18.04.2025 respectively, the report under Section 173(2) stands filed but none of the 20 Pws have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, they are entitled to the concession of bail.

4. The learned State counsel on the other hand contends that the serious allegations have been levelled against the petitioners and their co-accused. Therefore, they are not entitled to the concession of bail. He however concedes that the petitioners are the petitioners are liable for the defalcation of the amount of Rs.9.86 lacs which stands deposited prior to the registration of the FIR, that they are in custody since 18.06.2025 and 18.04.2025 respectively and none of the 20 Pws have been examined so far.

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

6. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of the trial. Admittedly, they petitioner are stated to be in custody since 18.06.2025 and 18.04.2025 respectively and none of the 20 prosecution witnesses have been examined so far. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if they are granted the concession of regular bail. Therefore, their further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners-**Yogesh Kumar** son of Sh. Duli Chand and **Subash Chander** son of Sh. Ram Kumar are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.



9. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the cases mentioned in this order.
10. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- each 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 the trial without sufficient cause.
11. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 04, 2025

Vinay

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