

2026.PHHC.028881



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-56763-2025

Deen Mohd. @ Kala
Versus
State of Haryana

...Petitioner
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	19.02.2026
2	The date when the judgment is pronounced	24.02.2026
3	The date when the judgment is uploaded on the website	24.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mazlish Khan, Advocate for the petitioner.
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.
Mr. Aadil Hussain, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 99 dated 19.06.2025 registered under Sections 409 and 201 of IPC at Police Station Nagina, District Nuh, Haryana.

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2. The aforementioned FIR was registered on the basis of a written complaint submitted by the Block Development and Panchayat Officer, Nagina, alleging therein that the petitioner was the ex-Sarpanch of the village. After the election of the new Sarpanch, the petitioner did not hand over the charge of the record of Gram Panchayat pertaining to the period from 2010 to 2015. This record included cash books, passbooks, stock registers, measurement books, voucher files, Estimate register and other important documents including the record pertaining to the MNREGA Scheme from the year 2010 to 2015. By alleging that he had intentionally concealed or destroyed the record, prayer was made for taking action.

3. After registration of the FIR, investigation proceedings were initiated. It was found that the record pertaining to the PRI scheme, HRDF scheme, Panchayat Fund Scheme Records and MNREGA Scheme pertaining to the year 2010 to 2015, had not been handed over by the petitioner to the next Sarpanch or to any other authorized person, with some malafide. The petitioner was arrested on 21.06.2025. On interrogation, he suffered a disclosure statement admitting his involvement in the commission of the subject offence and also that he had burnt the Panchayat record pertaining to the relevant period. Offence under Section 201 was added. Investigation now stands completed.

4. It is argued by the counsel for the petitioner that he has been falsely implicated on the basis of vague allegations. The FIR has been

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registered after a gap of ten years. He remained village Sarpanch from the year 2010 to 2015. Two more persons were elected Sarpanch thereafter. In fact, Jaida, who remained Sarpanch from the year 2016 to 2021, herself did not hand over the record of the Panchayat to the Sarpanch who was elected in November 2022. She committed embezzlement of government funds and has falsely implicated the present petitioner. The petitioner is in custody since long. No recovery has been effected from him. Trial will take considerable time to conclude. He has clean antecedents. The subject offences are triable by Magistrate. No useful purpose would be served by his further incarceration. It is, therefore, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel assisted by counsel for the complainant has vehemently argued that the allegations against the petitioner are serious in nature. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is in custody since 21.06.2025. He is not required for further investigation. Trial will take considerable time to conclude. The offences for which he has been booked and challaned, are triable by Magistrate. No fruitful purpose would be served if the petitioner is detained in custody anymore. It is well settled that pre-trial incarceration should not be

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a replica of post-conviction sentencing and that bail is the rule and jail is an exception. The object of jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Keeping in view the period of incarceration of the petitioner, the nature of subject offences and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |