



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

113

CRM-M-68754-2025 (O&M)

Date of decision: 11.03.2026

Niyamat

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Devender Kumar, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana with
SI Kalyan.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed for grant of anticipatory bail to the petitioner(s) in case bearing FIR No. 201 dated 10.09.2025 for offence(s) under Section 409 of the Indian Penal Code, 1860 registered at Police Station Pinangwan, District Nuh.

2. The present FIR was registered on the complaint of the Block Development and Panchayat Officer, Pinangwan. The same is extracted as under:-

*“From Block Development & Panchayat Officer, Pinangwan.
To, SHO Pinangwan Sr. No.6840 Dated 08.09.2025. Subject:-
For registration of First Information Report. With regard to the
above mentioned subject it is brought to your notice that in
connection with the complaint given by Shri Yasar Arafat,*

Sarpanch, Gram Panchayat Mundheta Block Pinangwan, it has been informed that the lease of the shamlat land was auctioned by Shri Niyamat Hussain, Ex-Sarpanch, Gram Panchayat Mundheta, for Rs. 51000/- in the year 2019 and Rs. 53500/- In the year 2020, the said amount was neither deposited in the account of the Gram Panchayat by Shri Niyamat Hussain, Ex-Sarpanch, Gram Panchayat Mundheta. In respect of which this office letter no. 53 dated 18.04.2023, letter no. 74 dated 26.04.2023, letter no. 1899 dated 05.03.2024, letter no. 6785 dated 04.09.2025 and through letter no. 6795 dated 05.09.2025, correspondence was made to Shri Niyamat Hussain, Ex-Sarpanch of Gram Panchayat Mundheta, but no written reply was submitted by Shri Niyamat Hussain, Ex-Sarpanch of Gram Panchayat Mundheta, regarding not depositing the lease amount of the Shamlat land left for Rs. 51000/- in the year 2019 and Rs. 53500/- in the year 2020, totaling amount of Rs. 104500/- in the Panchayat account. On the basis of complaint and documents given by Shri Yasar Arafat, Sarpanch of Gram Panchayat Mundheta the record was perused by the undersigned. After perusal it was found that Shri Niyamat Hussain, Ex-Sarpanch of Gram Panchayat Mundheta, has not deposited Rs. 51000/- in the year 2019 and Rs. 53500/- in the year 2020, totaling Rs. 104500/- in the account of Gram Panchayat. It is also informed that Shri Niyamat Hussain, Ex-Sarpanch of Gram Panchayat Mundheta, presented a receipt of

Rs. 49264/- for DHBVN electricity theft, due to which Gram Panchayat Mundheta has suffered financial loss of Rs. 49264/-. After observing the documents and records presented by the complainant, from the receipt of Rs. 49264/- for electricity theft presented by Shri Niyamat Hussain, Ex-Sarpanch of Gram Panchayat Mundheta, it appears that Shri Niyamat Hussain, Ex-Sarpanch of Gram Panchayat Mundheta by not depositing the amount of Rs. 104500/- in the account of the Gram Panchayat has embezzled the amount. Therefore, embezzlement appears to have been committed by causing financial loss of Rs. 51000/- in the year 2019 and Rs. 53500/- in the year 2020, totaling Rs. 104500/- against Mr. Niyamat Hussain, Ex-Sarpanch of Gram Panchayat Mundheta. Therefore, FIR be registered against Mr. Niyamat Hussain, Ex-Sarpanch of Gram Panchayat Mundheta. Attached all copies of correspondence made by this office, receipt of the amount deposited for electricity theft, bank statement, copy of complaint, copy of lease register.”.

3. When the matter came up for hearing before this Court on 05.12.2025, the following order was passed:-

“Learned counsel appearing on behalf of the petitioner(s) inter alia contends that the petitioner was the Sarpanch of the Gram Panchayat in the year 2019 and the allegations levelled are from that time. However, the instant FIR has been

registered in the year 2025 after a period of more than 06 years. He contends that the petitioner is not involved in possession of the Gram Panchayat record and that the entire case is based on documentary evidence which is already in possession of the respondents for which custodial interrogation of the petitioner would not be required. He submits that the petitioner is not involved in any other case and that he is ready and willing to join the investigation as and when so required.

Notice of motion.

Dr. (Ms.) Malvika Singh, DAG, Haryana, enters appearance and accepts notice on behalf of the respondent-State.

Mr. Farukh Abdullah, Advocate, enters appearance and files power of attorney on behalf of the respondent-complainant.

List on 09.04.2026.

In the meantime, the petitioner is directed to join investigation as and when required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 482 of the BNSS, 2023.”

4. Event though, the matter was ordered to be listed for 09.04.2026, however, by an administrative order passed by Hon'ble the Chief Justice of this Court, the matter has been preponed and listed for today itself.

5. Learned State counsel on instructions from the Investigating Officer, who is present in the Court, contends that the petitioner had been served with notices dated 17.12.2025 and 16.01.2026 calling upon him to join the investigation. Both the said notices were received by Ishak Khan i.e. father of the petitioner and notwithstanding the receipt of the said notice, the petitioner chose not to appear before the investigating officer.

6. It seems that after having availed the benefit of an interim order, the petitioner is neither appearing before the investigating officer nor cooperating in the investigation. A passing of an interim order to protect the liberties is not a source of abuse and disregard to the law enforcement agencies. An accused is required to appear before the investigating agency and cooperate in the investigation. The interim order specifically prescribed that he shall join investigation as and when required to do so by the investigating agency. His failure to comply with the notices issued by the investigating agency twice shows that he is not sanguine and has no intent to cooperate in the investigation. Consequently, the present petition is ***dismissed.***

(VINOD S. BHARDWAJ)
JUDGE

11.03.2026

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No