

2025:PHHC:084305



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-33611-2025 (O&M)

Date of Decision:11.07.2025

Rahul Chauhan ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Dr. Parminder Singh, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, haryana.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the instant petition under Section 482 of the B.N.S.S., 2023 with a prayer to grant anticipatory bail in case FIR No.30 dated 30.01.2023 registered under Sections 406, 409, 420 and 120-B of IPC and Section 13 of Prevention of Corruption Act at Police Station Matlauda, District Panipat.

2. The FIR in the present case has been registered on the basis of the complaint filed by the Block Development and Panchayat Officer, Matlauda and the same has been reproduced below:-

*“From:
The Block Development and Panchayat Officer,
Matlauda*

*To,
The Station House Officer,
Matlauda.*

Memo No. 4599 Dated 15.12.2022

Subject: For registration of FIR against Ex. Sarpanch Shailender of Gram Panchayat Khandra and others, who have committed fraud of Rs.21,60,941/- from dated 24.02.2016 to 24.06.2020.

In reference to the above cited subject, in compliance of letter No. 2963/2930 dated 02.08.2021 of the office of Deputy Commissioner Panipat as well as on the basis of report contained in letter No. 2930 dated 02.08.2021 of the office of Executive Engineer (Panchayati Raj), Panipat, wherein Ex. Sarpanch Shailender of Gram Panchayat Khandra and others as well as Gram Secretary of the tenure from 20.03.2016 to 24.06.2020, Technical Officer/Junior Engineer, Panchayati Raj have been held guilty. The Deputy Commissioner Panipat on the basis of above said report has passed order for registration of FIR against the above said persons. The copies of enquiry report from page No. 1 to 21 and copy of order passed by Deputy Commissioner Panipat has been attached with this letter and it is hereby written that FIR under the appropriate sections of law be registered against the accused who have committed fraud worth Rs. 21,60,941/-. Copy of FIR be also sent to this Office.

During the investigation in the FIR, Social Education and Panchayat Officer Matlauda and Gram Secretary of Gram Panchayat Khandra will supply the concerned documents. Enclosures; Enquiry report from page No. 1 to 22.

Order passed by Deputy Commissioner Panipat. Sd/- Ramphal Singh Block Development and Panchayat Officer Matlauda.”

3. As per the allegations, Shalender Kumar remained the Sarpanch of G.P. Khardra, Block Matlauda, District Panipat w.e.f. 24.02.2016 to 24.06.2020. During the said period, the accused had

submitted inflated bills of the material used in the development works and a financial loss of Rs.21,60,941/- was caused to the Government. Even, detailed inquiry report was prepared by the Executive Engineer, Panchayati Raj, Panipat and was submitted to the Deputy Commissioner, Panipat. Shalender Kumar, Ex. Sarpanch deposited a sum of Rs.21,60,950/- with the Gram Panchayat, Khandra, against receipt on 04.03.2024. However, as per the officials of the Haryana Panchayati Raj Department, the total amount alongwith interest, which was payable by the accused was Rs. 42,25,738/-. Thus, a huge loss has been caused to the Gram Panchayat by the accused in the present case.

4. Learned counsel for the petitioner contends that at the relevant time, the petitioner was posted as Gram Sachiv in the Gram Panchayat and it has been found that the bills were sanctioned with the signatures of the petitioner. However, the petitioner had performed his statutory duties and had not committed any embezzlement as alleged. Thus, to show his bonafides, the petitioner is ready and willing to deposit a sum of Rs.7 lakhs with the Gram Panchayat Khandra and is also ready to deposit a sum of Rs.1.50 lakhs (non-refundable) with the Punjab and Haryana High Court Lawyers Welfare Fund within a period of 01 week. He further contends that even a sum of Rs.21,60,941/- has already been deposited by Shalender Kumar, Ex. Sarpanch, Gram Panchayat, Khandra, who is also co-accused in the present case.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, the total amount in dispute is Rs. 42,25,738/- and out of this amount, Shalender Kumar, Ex. Sarpanch, co-accused has already been deposited a sum of Rs.21,60,941/-. Even, the three accused, namely, Lalit Kumar, the then SDO, Raj Kumar Kumar, the then JE and Rahul Chauhan, the then Gram Sachiv (petitioner) has also offered to deposit a sum of Rs.7 lakhs each. Even otherwise, the record of the Gram Panchayat has been taken into possession by the police and the custodial interrogation of the petitioner will not serve any meaningful purpose.

8. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

9. The petitioner shall deposit a sum of Rs. 7 lakhs with the Sarpanch, Gram Panchayat Khandra, within a period of 7 days from today. He shall also deposit a sum of Rs. 1.50 lakhs with the Punjab and Haryana High Court Lawyers Welfare Fund (Account No.

65018692589, IFSC Code-SBIN0050306, Branch Code 50306, SBI, High Court Branch, Sector 1, Chandigarh) (which shall be non-refundable) within a week.

10. In case, the aforementioned amounts are not paid by the petitioner, the present petition shall be deemed to be dismissed.

11.07.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No