



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

302

CRM-M-12727-2025

Date of decision: 25<sup>th</sup> March, 2025

Hargopal

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

\*\*\*

**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Section
41	28.09.2024	Amir Khas, District Fazilka	420 of IPC

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint jointly lodged by the complainant Raj Kumar, resident of village Chak Rakh Amir, District Fazilka, some members of village Panchayat as well as co-villagers, on the allegations that sometime back, the central Government had launched a scheme to provide subsidy to the Gram Panchayats to increase the use of happy seeder and super seeder equipments



by the common residents of the villagers. As per the scheme, 80% subsidy was to be granted for purchase of the aforementioned equipments and the remaining 20% was to be deposited by the respective Gram Panchayats. The equipments were to be purchased after passing resolution by the Gram Panchayat and producing requisite documents in the office of Chief Agricultural Officer. The petitioner by conniving with his wife Hakam Devi, who was village Sarpanch and with co-accused Bhim Sain, proprietor of one serve, showed purchase of the aforementioned equipments on behalf of Gram Panchayat by preparing a fake and fabricated resolution and also got prepared and issued a bill for a sum of Rs. 5,10,000/- in the name of Gram Panchayat by the firm of co-accused Bhim Sain. The bill was deposited with the concerned officer and the amount of subsidy was got released in favour of accused Bhim Sain. It was alleged that infact, no equipments had been purchased and the residents of the village as well as the concerned department were cheated and defrauded.

3. As per the further allegations, on receipt of the aforementioned complaint, initially inquiry was conducted and it transpired that the accused Hakam Devi in connivance with the present petitioner and co-accused Bhim Sain, who is proprietor of firm Brothers Agro Tech and is related to her taken undue advantage of the scheme of Central Government by preparing a resolution by fabricating and forging the signatures of Panch members Bimla Rani and Ramesh Rani and had withdrawn subsidy to the tune of Rs.3,95,400/-. A case under Section 420 of IPC was registered. The co-accused Hakam Devi and Bhim Sain moved applications for grant of anticipatory bail and joined investigation in pursuance of the benefit of



interim bail granted to them. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Fazilka, which was dismissed vide order dated 17.01.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case, due to being husband of the village Sarpanch and because of the political rivalry. He has nothing to do with the village Panchayat. He is not beneficiary of the transaction and the 80% subsidy had been received in the bank account of firm of co-accused Bhim Sain. No loss has been caused to anyone. The machinery as purchased was lying in the house of the village Sarpanch i.e. his wife and no fraud has been committed. No wrongful loss has been caused to anyone. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Co-accused have been extended benefit of anticipatory bail. On parity, he too deserves to be given the same benefit. Therefore, it is urged that the petition deserves to be allowed.

5. Status report has been filed by respondent-State. It is submitted therein and argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner, who is infact the master mind of the crime. By hatching a conspiracy with the co-accused, he got prepared a resolution by fabricating signatures of two other Panches of the Gram Panchayat and withdrew subsidy of Rs. 3,95,400/-. The equipments which were purported to be purchased for the good of the common persons of the village, had been shown to be received by him as per the record/photographs of the firm of the co-accused. His active connivance with the commission of the concerned offences was reflected from the fact that in the invoice/bills



qua purchase of happy seeder and super seeder equipments, some particular chasis and plate numbers had been given but on coming to know about the fact that fraud committed by him was unearthed, the petitioner in connivance with the co-accused had procured the same equipments from the co-accused Bhim Sain but they were found to be having different chasis numbers and tampering had been made on chasis number and serial numbers of the plates of these equipments also. The Panching code affixed on the equipments was differed from the codes as given in the invoice. Wrongful loss has been caused to the Government authorities. The allegations require deeper probe. The case is at its nascent stage. Therefore, it is argued that he does not deserve to be extended benefit of pre-arrest bail.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The allegations against the petitioner are that he in connivance with the co-accused had cheated the central Government as well as other government departments by fabricating a resolution from the Gram Panchayat of his village by taking advantage of the fact that his wife is elected Sarpanch of the village. In pursuance of the conspiracy so hatched, happy seeder and super seeder equipments had been shown to be purchased from the firm of accused Bhim Sain for the purpose of use of villagers at large and subsidy amount of Rs. 3,95,400/- has been transferred in the account of his firm without withdrawing any amount from the bank account of Gram Panchayat, the rest of 20% amount was shown to be given, whereas, the firm of the co-accused had never been given any such account. All this was apparently done to cheat the government and cause wrongful



loss. The involvement of the petitioner in commission of the subject offences is *prima facie* made out from the allegations in the FIR. Keeping in view the nature of these allegations, role attributed to the petitioner, as well as for conducting proper and thorough investigation in the matter, custodial interrogation of the petitioner is must. Moreso, no extra ordinary or exceptional circumstance for grant of benefit of pre-arrest bail is made out in favour of the petitioner. Simply because of the co-accused have been granted benefit of bail, his prayer does not deserve to be allowed. In view the discussion as made above, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**25<sup>th</sup> March, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned* : *Yes / No*

2. *Whether reportable* : *Yes / No*