

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) No.507 of 2012.

Date of decision: 11.06.2012.

Tilak Raj, S/o Sh. Hari Chand, R/o Village Keori, Tehsil Dehra,
District Kangra, H.P.

.....Petitioner.

Vs.

State of Himachal Pradesh.

..... Respondent.

Petition under Section 438 Cr.P.C.

Coram

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting?¹ No

For the Petitioner : Mr. N.K.Thakur, Senior Advocate
with Mr. Ramesh Sharma,
Advocate.

For the Respondent : Ms. Ruma Kaushik, Addl. A.G.
with Mr. Vinod Thakur, Dy.
A.G.

Kuldip Singh, Judge (Oral).

This is an application under Section 438 Cr.P.C. for releasing the petitioner on bail in FIR No.09/2011 dated 27.06.2011, registered at Police Station, S.V. & A.C.B., Dharamshala, under Sections 420, 467, 468, 471, 120-B IPC.

2. It has been stated in the application that there are allegations that wife of petitioner Smt. Urmila Devi was the Pradhan of the Panchayat and there was mis-utilization of funds about ₹23,000/- , which amount is alleged to have been misappropriated. Smt. Urmila Devi has been bailed out. The police is contemplating the arrest of the petitioner on the allegation of connivance.

Whether the reporters of the local papers may be allowed to see the Judgment? Yes

3. The petitioner is innocent. He has committed no offence, but due to the registration of the case, he is apprehending his arrest in the above noted case. The petitioner is ready to join the investigation and furnish bail bonds as per directions of the Court. The submission has been made for releasing the petitioner on bail.

4. The status report has been filed. It has been stated that case has been registered on the basis of letter and endorsement of S.V. & A.C.B. N/R Dharamshala dated 21.06.2011. The complaint is against President, Gram Panchayat, Gheori. The complainants are Rai Singh, Mehar Chand, Mast Ram and Pritam Chand, who addressed a complaint to the Chief Minister. The allegations are of non-payment of amounts by Smt. Urmila Devi, Ex-President, Gram Panchayat, Gheori of the MANREGA works of 'Sarav Shiksha Abhiyan' and misappropriation of funds.

5. It has been stated that as per report received from R.F.S.L., Dharamshala, on receipt voucher No.60 for ₹2,400/- and receipt voucher No.57 for ₹21,800/- forged signatures of petitioner in the name of Jagat Ram were found. In this way, Tilak Raj in connivance with his wife misappropriated ₹24,200/- and caused loss to the Government. The petitioner has joined the investigation. He has denied the forging of signatures.

6. The learned Additional Advocate General has stated that investigation so far petitioner is concerned is complete, only his specimen signatures are to be taken. The specimen signatures of the petitioner can be taken while he is on bail. The Investigating Agency has not pointed out any pressing need for custodial interrogation of the petitioner.

7. The case against the petitioner, it appears is based upon documents. The allegations are that he prepared some forged receipts in connivance with his wife, who was President of the Panchayat. In the status report, it has not been stated that petitioner will not be available for trial in case he is released on bail nor there is an allegation that in case petitioner is released on bail under Section 438 Cr.P.C., then he will terrorize or overawe the prosecution witnesses. In these circumstances, the petitioner has made out a case for grant of bail under Section 438 Cr.P.C.

8. In view of above, petition is allowed. The petitioner in the event of arrest in FIR No.09/2011 dated 27.06.2011, registered at Police Station, S.V. & A.C.B., Dharamshala, under Sections 420, 467, 468, 471, 120-B IPC, be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Arresting Officer with the conditions that the petitioner shall continue to join the investigation as and when called by the Investigating Officer and shall not hamper the investigation and tamper with the prosecution evidence in any manner. The petitioner shall not overawe, terrorize any prosecution witness and he shall co-operate in giving his handwriting and signatures in case his handwriting and signatures are required by the Investigating Agency.

9. The observations made in this judgment are for disposal of bail petition only and the same shall not be construed as an expression of opinion on the merits of the case.

Copy **Dasti.**

June 11, 2012.
(Krt)

(Kuldip Singh),
Judge.