

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11299 of 2015 (O&M)

Date of Decision: 27.4.2015

Satpal Singla

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Ms. Rupinder Kaur, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana for the respondent.

NAVITA SINGH, J.

1. The petitioner has applied for bail on the ground that he is in custody since 22.12.2014 while the main accused Harpreet Singh applied for anticipatory bail and was granted interim relief.

2. Counsel for the petitioner submitted that as per the FIR, he and Harpreet Singh were the accused along with others but since the petitioner was arrested five days after the FIR, charge sheet was presented against him in court on 26.2.2015. As per the final report (Annexure P3), he was sent for trial for the offences punishable under Sections 120-B, 406, 409, 420, 467, 468 and 471 of the Indian Penal Code (IPC for short) and 13 (1) (d) of the Prevention of Corruption Act. Challan could not have been presented against him under Section 120-B IPC as he singly could not have conspired to commit any offence. This argument would, however, not be acceptable because the offence under Section 120-B IPC was added on account of conspiracy between the petitioner and Harpreet Singh. It is immaterial that challan has been filed only against petitioner at this stage.

3. It was then argued on behalf of the petitioner that Harpreet Singh was the main culprit who has not been arrested so far and he filed an application under Section 438 of the Code of Criminal Procedure (Cr.P.C. for short) and was granted interim bail on 6.4.2015. Till then, the police made no effort to arrest him though charge sheet had been filed against the petitioner much earlier.

4. According to State counsel, three persons i.e. Harpreet Singh, Ranjit Singh and Karamjit Singh are on interim bail, the last two accused having been granted the relief on 21.4.2015. Three other accused have been arrested. However, there is no explanation from the side of the State as to why the three persons, who applied for anticipatory bail much after the petitioner was arrested and even after charge sheet was filed against him, were not arrested.

5. It was submitted by State counsel that the petitioner had connived with the others especially Harpreet Singh and allowed the latter to prepare forged documents and those documents were filed which were used as genuine by the petitioner. The petitioner issued paddy to the sheller of Harpreet Singh in excess of the prescribed limit. Disclosure statement was also made by the petitioner regarding connivance with Harpreet Singh and to the effect that he had purchased about 75 quintals of paddy for the department which was to be sent to the sheller of Harpreet Singh. The petitioner along with co-accused made fictitious entries of purchase of paddy and obtained fake bills from the commission agents and sent those to the department. There was criminal breach of trust and embezzlement of government money as well. He was also caught taking bribe.

6. The State, however, had no explanation as to why challan was being presented in court in parts. It stood filed qua the petitioner because he

was arrested but it was not filed against the others. It was submitted that challan would be filed against the three persons who are now under arrest. This would not mean that the charge sheet would be filed separately against the three persons who have got the interim relief.

7. It appears that challan was filed in court against the petitioner to avoid grant of bail to him under Section 167 (2) Cr.P.C. Investigation is not being conducted in a proper manner. Since there is no explanation as to why the other persons were not arrested, the contention on behalf of the petitioner that those persons being rich people were able to influence the police, is not unbelievable. It was also submitted on behalf of the petitioner that he was being made the scapegoat as certain other officials including senior ones, were involved who were hand in glove with Harpreet Singh and others.

8. The petitioner is in custody since 22.12.2014 and trial has not yet begun. Filing of charge sheet against the co-accused will also take time. Harpreet Singh who was the main beneficiary is on interim bail and so are two other co-accused. Keeping the petitioner in custody would, therefore, be excessive hardship to him.

9. In view of the facts and circumstances delineated above, the petition is allowed. Bail to the petitioner to the satisfaction of trial Court.

(NAVITA SINGH)
JUDGE

27.4.2015
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