

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

CRM-M-3193-2015

Date of decision: 23.4.2015

Mehar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Bipan Ghai, Sr. Advocate with
Mr.Mandeep Kaushik, Advocate for the petitioner

SNEH PRASHAR, J.

The instant petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in case First Information Report No.01 dated 1.1.2015, under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 registered at Police Station Vigilance Bureau, Bathinda.

The submissions made by learned counsel for the petitioner have been heard.

It is submitted that the petitioner after retirement was re-employed as Junior Assistant in the Transport Department. He was neither the member of the auction committee, nor had the authority to allot the fancy numbers. The entire process of auction of fancy numbers

was being carried out by the District Transport Officer. The relevant

record is already with the Vigilance Bureau and nothing is to be recovered from the petitioner and be given concession of anticipatory bail.

The allegations of the prosecution reveal that on an information received by the police, the officials of Vigilance Bureau, Bathinda raided the office of District Transport Office, Faridkot and checked the record for the period 28.11.2014 to 8.12.2014 and found forgery done in record relating to auction of fancy numbers of the vehicles. There are specific allegations against the petitioner and his co-accused that they in connivance with each other did not allot the unique registration numbers to the persons, who participated in the auction proceedings and offered higher bid. Instead the numbers were allotted to other persons, who had not even participated in the auction proceedings against payment of a much lower fee. It was found by the police that they had entered the names of the said persons in the auction register fraudulently. The security deposited by the bidders by way of demand drafts was also not deposited in the government treasury. During the course of raid, it was found that fake and forged entries regarding fee had been made in the registers regarding transfer of vehicles and in some cases, the officials had misappropriated the Government dues. In that manner, the petitioner and his co-accused had caused great financial loss to the government exchequer. The modus operandi of the fraud committed by the petitioner in connivance with other officials is yet to be unearthed. The Hon'ble Supreme Court in State rep. By the CBI vs.

Anil Sharma, reported in (1997) 7 Supreme Court Cases 187 has

held as under:-

“The custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C.”

In the present case, the custodial interrogation of the petitioner is required. Accordingly, no case is made out for grant of anticipatory bail to the petitioner.

Dismissed.

23.4.2015
gsv

(SNEH PRASHAR)
JUDGE