

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

CRM-M-10374 of 2014 (O&M)
Date of decision: April 12, 2016

Buland Singh Viridi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. L.S. Chahal, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.

This is a petition under section 482 Cr.P.C. seeking quashing of FIR No.126 dated 17.06.2003, registered against the petitioner under sections 406, 409, 120-B IPC and Sections 13 (1) (D) read with section 13(2)(88) of Prevention of Corruption Act at Police Station Sadar Malout, District Muktsar.

Learned counsel for the petitioner submits no offence, whatsoever, has been committed by the petitioner. Petitioner only submitted a proposal for construction of a drain and same was got constructed much after his transfer/retirement. Since petitioner already stood transferred even prior to the submission of the project estimate, question of his culpability does not arise and by no stretch of imagination he can be held liable. Learned State counsel has opposed the plea.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Instant FIR under sections 406, 409, 120-B IPC was registered against the petitioner and others on the complaint dated 13.6.2003 moved by Baltej Singh son of Ram Singh. Investigation ensued. Thereafter, offence under sections 13(1)(D) read with section 13(2)88 of Prevention of Corruption Act was also added. The Addl. Director General of Police (Crime), Punjab transferred investigation of the case to the Vigilance Bureau, Punjab. As the case was of technical nature, Director General of Police, Punjab constituted a technical team. Said team after conducting inspection submitted its report on 9.12.2003 fixing individual responsibilities of the officer/officials. The investigation team during its investigation found that the level along with length of Ditch drain does not allow the water to flow freely to the creak of Satluj at the outfall. The designed FSL of Ditch drain at the outfall point is shown to be 572.45, whereas the FSL of water in the creak is 573.82 level, which clearly shows that water instead of flowing into the creak of Satluj would flow back into the drain thereby ruining the aim of the construction of drain. Project estimate is shown as Rs.40.53 crores, whereas in the proposal while describing the cost comparison, expenditure on new scheme and expenditure on Aspal Extension Drain (now Ditch drain) is shown as Rs.14.50 Crores. This was done only to get new proposal approved on the basis of wrong data. Responsibility of the same falls on the Superintending Engineer i.e. the petitioner. Project proposal for construction of Ditch drain reveals a clear cut conspiracy and its origin was when petitioner was posted as Superintending Engineer, Drainage, Gidderbaha. I am of the considered view that all the

pleas of the petitioner can be considered only after evidence is led before the trial court. It is not possible for this court at this stage to arrive at a conclusion that offences as alleged in the FIR, are not made out. It is also not possible for this court to conclude at this stage that the petitioner has been falsely implicated in the case. No case for interference in inherent jurisdiction of this court is made out.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 12, 2016
'Rajpal'