

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

CRM M-2091 of 2015

Date of decision : 12.04.2016

Surinder Garg

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Pawan Kumar, Sr. Advocate with
Mr. Rozer Kumar Aggarwal, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner has prayed for quashing of FIR No. 8 dated 19.08.2014 for offences punishable under sections 7 & 13(2) of the Prevention of Corruption Act, 1988 registered at police station, Vigilance Bureau, Flying Squad-I, district SAS Nagar.

Learned counsel for the petitioner contends that employee of the bank in question cannot be considered a public servant. Thus, FIR deserves to be quashed.

Prayer has been opposed by learned State counsel. He has referred to reply filed by way of affidavit of Hargobind Singh, Superintendent of Police, Vigilance Bureau, Flying Squad-I, SAS Nagar, Mohali. According to him, bank in question is registered under the Punjab State Co-operative Societies Act, 1961 and is giving loan on the gurantee of Punjab Government as well as National Bank for Agriculture and Rural Development (NABARD). Its employees are governed by Punjab Civil Service Rules. Thus,

bank is amenable to provisions of the Prevention of Corruption Act, 1988.

I have heard learned counsel for the parties.

Vigilance Bureau, Flying Squad-I Mohali received a complaint from one Amarjit Singh. He stated before the police that his wife Sarabjit Kaur took a loan of ₹10.00 lacs from the bank in question for construction of the house. Same was approved by the bank. First installment of ₹5.00 lacs was paid by the bank. When second installment of ₹3.00 lacs was to be paid to his wife, he alongwith her wife met Surinder Garg, Manager of PADB Bank, Sherpur. Said Manager stated that earlier also installment of ₹5.00 lacs had been paid to them but they had not given anything to him. He demanded that 10% of the entire loan amount i.e. ₹1.00 lac be shared with him. Matter was brought to the notice of the Vigilance Bureau. A raiding party was constituted. A total amount of ₹1.00 lac was given to the petitioner which he accepted. He was caught red handed while accepting the bribe. Only plea raised before this court is that bank in question is not amenable to the provisions of the Act and petitioner is not a public servant within the meaning of section 2(c)(ix). It is, thus, relevant to refer to the Provision of the Act Relevant section i.e. Section 2(c)(ix) is reproduced below:-

"(ix) any person who is the president, secretary or other office-bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the Central Government or a State Government or from any corporation established by or under a Central, Provincial or State Act, or any authority or body owned or controlled or aided by the Government or a Government

company as defined in section 617 of the Companies Act, 1956 (1 of 1956). "

It is on record that bank is aided by Punjab Government and National Bank for Agriculture and Rural Development. It is registered under the Punjab State Co-operative Societies Act and its employees are governed by Punjab Civil Service Rules. Thus, it cannot be said that Bank is not amenable to provisions of the Prevention of Corruption Act. Admittedly, petitioner was office bearer of the Bank at the time he was caught red handed by the Vigilance Bureau. Thus, it cannot be said that he is not a public servant within the meaning of definition contained in section 2(c)(ix) of the Act. Under the circumstances, I find no merit in this petition. Same is hereby dismissed.

April 12, 2016

Ajay

(RAJAN GUPTA)
JUDGE

To be referred to Reporter? (Yes)