

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

CRM M-28605 of 2012

Date of decision : 19.07.2016

Manish Kalani

...Petitioner

V/s

The State of Punjab

...Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner has sought quashing of instant FIR registered against him under sections 420/120-B IPC and 13(1)(d) read with section 13(2) of Prevention of Corruption Act, 1988. It was urged before the court that FIR was lodged ten years after the alleged incident. There is nothing on record to show that sub standard material was supplied by the company. Moreover, senior officers of Punjab Water Supply and Sewerage Board were found innocent by the investigating agency. Petitioner has been unnecessarily implicated. Neither any offence is made out nor ingredients thereof.

Prayer has been opposed by learned State counsel. According to her, investigating agency learnt through reliable sources that loss of ₹50.00 lacs had been caused to the State exchequer by certain officials of the Board and co-accused. Resultantly, FIR under relevant sections of Prevention of Corruption Act and section 420/120 IPC was registered. This was pursuant to preliminary inquiry undertaken by DySP of Vigilance Bureau. According to her, no case for interference in inherent jurisdiction of

this court is made out.

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

It appears that Punjab Water Supply and Sewerage Board issued tender for purchase of A.C. pressure pipes of different size. Five firms responded. Officers constituting the purchase committee negotiated with the representatives of the firms and agreed to give 3.5% discount. However, they manipulated the record in such a manner as to favour Kalani Industries and issued supply order on a holiday. This was despite the fact that earnest money was not deposited by the firm as per demand. The firm delivered the pipes of the quality lower than that specified in the tender. Besides, Government of India decreased the excise duty by 5% after invitation of tender. However, benefit of lowering of excise duty did not go to the Board. In this manner, officials of the Board connived with each other and the petitioner and caused a loss of ₹50.00 lacs to the government. After completion of investigation, final report was submitted before the competent court. I am of the considered view that no interference in inherent jurisdiction of this court is called for. All the pleas raised are factual in nature which can be examined only after evidence is led before the concerned court. In the facts and circumstances of the case, mere delay in the proceedings cannot be sufficient ground for quashing of FIR. Considerable time may have been consumed in examining certain technical aspects of the matter. Needless to observe that petitioner would be at liberty to raise all his pleas before the trial court at the appropriate stage. Dismissed.

July 19, 2016

Ajay

(RAJAN GUPTA)
JUDGE