

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 32465 of 2016
Date of decision: 6.12.2016

DP Bhagat

Petitioner

vs.

state of Punjab

Respondent

Present: Mr. APS Deol, Sr. Advocate with
Mr. Daldeep Singh, Advocate.
Ms. Simsi Dhir, DAG, Punjab.
Mr. Narinder Vaid, Advocate.

M.M.S.BEDI,J.

The petitioner is a public servant working as a General Manager of District Industries Centre, Amritsar. He had connived with M/S Kaypee Industries Corporation and did not take effective steps to evict the unauthorized occupants from a shed, allotment of which shed stood cancelled. The machinery of prosecution was set into motion in the present case by Suresh Saggar by filing a complaint u/s 156(3) Cr.P.C. before Additional sessions Judge , Amritsar. The petitioner being a public servant is alleged to have committed offence u/s 7 and 13 of the Prevention of Corruption Act.

Counsel for the complainant has intervened to seriously oppose the petition for pre-arrest bail contending that on account of the act of the petitioner though no wrongful loss has been caused to the complainant himself but general public loss has been caused by not

effectively evicting the unauthorized occupants from the cancelled shed.

I have considered the facts and circumstances of the case.

With the assistance of State counsel, I have gone through the police file. The petitioner is alleged to have committed illegalities/irregularities during the conduct of his business as a public servant. The culpability of the petitioner will certainly be a debatable issue in context to the departmental misconduct of the petitioner and the statutory sanction, which is required to be given by the competent authority under the Cr.P.C. and the Prevention of Corruption Act.

On asking of the court, it has been informed that the petitioner has joined the investigation. Learned State counsel has vehemently opposed the petition contending that the copy of order, which the petitioner was required to produce, has not been produced by him. The said ground is not sufficient enough to curtail the liberty of the petitioner.

Accordingly, the petition is allowed and it is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the condition that the petitioner will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

Nothing said in this order will effect the merits of the case, if the prosecution agency opts to present challan against the petitioner.

December 6 ,2016

TSM

Whether speaking/ reasoned

(M.M.S.BEDI)

JUDGE

Yes/ No

Whether Reportable

Yes/ No