

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

(221)

CRM-M-38726-2015 (O&M)

Decided on: August 03, 2016.

Parveen Gupta

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sunder Singh, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

Mr. Padamkant Dwivedi, Advocate,
for the complainant-respondent No.2.

M.M.S. BEDI, J (ORAL)

The petitioner in the capacity as Company Secretary of Haryana Tourism Corporation Ltd., is alleged to have tampered with the lease agreement executed in the year 2002 by incorporating a clause regarding extension of the lease for a period of five years beyond ten years whereas the said extension was neither presented by the Committee nor approved by the Board of Directors. The Corporation allegedly suffered loss on account of the same.

With the assistance of learned counsel for the petitioner, learned counsel for the complainant and learned State counsel assisted by DSP Suresh Kumar, State Vigilance Bureau, I have gone through the record.

It transpires that the alleged documents remained as part of the official record for a period with effect from the year 2002. On expiry of period of ten years of lease in favour of M/s Hi-Point Amusement (P).

Ltd., a writ petition i.e. CWP No.9944 of 2012 was filed for a mandamus regarding renewal of the lease for five years as per Clause 1 of the lease agreement dated 01.06.2002. The said litigation led to the registration of this FIR on 12.08.2015.

Application for bail has been opposed by learned State counsel as well as learned counsel for the complainant-respondent No.2 contending that the amendment in Clause 1 had not been approved by the Board of Directors on account of which Corporation suffered losses.

Perusal of the investigation conducted till date and the nature of the allegations indicate that it will certainly be a debatable issue whether the petitioner alone could be held to have committed the offence of disappearance of any evidence especially when the noting file is not traceable. The prosecution depends largely on the documents and it does not appear to be a case of custodial interrogation. Pursuant to interim order passed by this Court, the petitioner has joined the investigation.

The petition is allowed. Interim order dated 12.11.2015 is hereby made absolute. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

August 03, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No