

Sr. No.201

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-10340 of 2016 (O&M)

Date of Decision:12.01.2017

Resham Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rajeev Anand, Advocate,
for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.06 dated 11.03.2016 under Sections 13 (1) E and Section 13 (2) of Prevention of Corruption Act, registered at Police Station Vigilance Bureau Bathinda, District Bathinda, Punjab.

While issuing notice of motion, the following order was passed on 30.03.2016:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.6 dated 11.03.2016, under Sections 13(1)E/13(2) of Prevention of Corruption Act, registered at Police Station Vigilance Bureau Bathinda, District Bathinda.

The allegations against the petitioner and which forms the basis of registration of the FIR are that he while working as Senior Medical Lab Technician was having total income of Rs.73 lacs approximately during the check period i.e. from 01.01.2008 to 31.12.2013 whereas his expenditure exceeded Rs.98 lacs and as such, he has spent an amount of

Rs.25 lacs approximately in excess of his known sources of income.

Learned Senior counsel during the course of arguments has adverted to a tabulation furnished in para 6 of this petition to vehemently contend that apart from salary that the petitioner was drawing from the State Government, he had received arrears of pay and allowances on account of revised pay fixation in pursuance to a writ petition having been allowed by this Court as also other sources of income, details of which have been furnished in such tabulation. It is further contended that while computing the total income for the check period, even the income of wife of the petitioner who is also a government employee has been taken into reckoning as also the home loan availed from HDFC Bank, loan from State Bank of Patiala as also a car loan against an Innova vehicle. In such tabulation, details have been furnished as regards income i.e. accruing to the petitioner from other sources and in support of which documents have been produced during the course of hearing today itself. It is the precise contention raised that the figures furnished in the tabulation in para 6 itself would be sufficient to explain the discrepancy as regards excess expenditure as opposed to the income shown in relation to the check period.

It is submitted that the petitioner is otherwise ready and willing to join investigation.

Notion of motion, returnable for 14.07.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel who is on instructions from ASI Bhagat Singh apprises the Court that the petitioner has already joined investigation and very fairly states that he is not now required for any custodial interrogation.

Accordingly, prayer made in the present petition is allowed. The present petition is disposed of in terms of making order dated 30.03.2016 passed by this Court as absolute.

12.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No