

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

**CRM No.M-11147 of 2017 (O&M)
Date of Decision: 07.04.2017**

Rajesh Dalal

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Anshuman Dalal, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

Mr. Karan Singh, Advocate for
Mr. Virender Soni, Advocate for the complainant.

TEJINDER SINGH DHINDSA, J.

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.48, dated 09.03.2017, under Sections 409/420/467/468/471 IPC and Section 13 of the Prevention of Corruption Act, 1988, registered at Police Station Uchana, District Jind.

FIR has been registered in relation to irregularities, illegalities and embezzlement of funds in relation to works allocated by Municipal Committee, Uchana.

Insofar as the present petitioner is concerned, he holds the post of Junior Engineer at Uchana. There are allegations as regards works of different nature having been allocated to different contractors and who in turn submitted their bills in Municipal Committee, Uchana prior to completion of work and in spite thereof, the payment amounting to almost Rs.2.5 Crores having been released. Allegations further are that monitoring of the works was not done, bills have been passed illegally, the Municipal Committee had got sand filled in land

PWD Rest House and where actually sand filling was done upto 3 feet whereas the bill was raised and payment was made upto 7 feet sand filling. Furthermore, bills in relation to construction/paving of street were made and payments have been released whereas on the spot such development work having not been done.

It was within the scope of work of the present petitioner in the capacity of a Junior Engineer to have not only monitored the work on a periodic basis but also to fill up and make necessary entries in the measurement books and it is only as a consequence thereof that bills could be verified and payments to be released to the contractors.

During the course of arguments, even counsel appearing for the petitioner does not dispute that on a large number of bills signatures of the petitioner are appended. The scope and nature of job duty of the petitioner is also not in dispute in relation to the work allotted and which are subject matter of the allegations contained in the FIR.

Against the backdrop of such huge embezzlement, this Court is of the considered view that it would well be a case where custodial interrogation of the petitioner is warranted.

This Court, as such, is not inclined to extend in his favour the concession of pre-arrest bail.

Petition is dismissed.

07.04.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |