

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

CRM No.M-28263 of 2017 (O&M)

Date of Decision: August 09, 2017

Gurinder Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Bedi, Senior Advocate with
Mr.Sonpreet Singh Brar, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. read with Section 438 Cr.P.C. against respondent State of Punjab for the issuance of direction to official respondents No.2 to 4 to give 7 days prior notice before arresting him, if they want to register any FIR pertaining to vigilance enquiries dated 10.05.2017, 30.06.2017 and 03.07.2017, so that he can avail his legal remedy.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner argued that entire record is with the department regarding E-Bidding. He

stated there are so many tenders and in some tenders, there are other bidders

also and in some tenders, the petitioner was the single bidder. Learned counsel for the petitioner, therefore, argued that petitioner be given anticipatory bail by way of seven days' prior notice before his arrest, so that he can avail legal remedies.

On the other hand, learned State counsel argued that Vigilance Dept. is making enquiry in more than 40 transactions regarding the tender matters. He argued that, at this stage, no FIR has been registered and enquiries are going on. The Vigilance Department is making enquiry as to how the petitioner, within a short span of time, had gone to the turn over of more than ₹300 crores. Learned State counsel also argued that Vigilance is making enquiry qua the fact that how, about more than 60% of work, has been allotted by way of E-Bidding to the present petitioner in connivance with the Chief Engineers etc. Learned State counsel further argued that if this petition is accepted, then present petitioner will not cooperate with the Enquiry Officer and it will be difficult for the Enquiry Officer to find out the truth and petitioner may hamper the enquiry proceedings.

After hearing learned counsel for the petitioner as well as learned State counsel and after going through the record, I find that enquiry is going on by the Vigilance Department in so many tenders and till now, as per learned State counsel, no FIR has been registered and it will be seen after the conclusion of the enquiry, whether any offence is made out against any person or not. The enquiries are also being held against the officers of the Government as to how more than 60% work has been allotted to one person by so many E-Biddings.

Keeping in view the above facts and circumstances of the

expressing any opinion on the merits of the case, I find that no ground is made out for giving seven days' prior notice to the petitioner before his arrest, as the enquiry is still going on and if this notice is ordered to be given to the petitioner, he may not cooperate with the Enquiry Officer.

Therefore, finding no merit in the present petition, the same is dismissed.

August 09, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No