

Sr. No.206

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-44405 of 2016 (O&M)
Date of Decision:19.01.2017

Phool Singh

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Jagjit Gill, Advocate,
for the petitioner.

Mr. C.S.Bakhshi, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.215 dated 21.07.2016, under Sections 420, 419, 409, 467, 468, 471, 218, 120-B of Indian Penal Code read with Section 13(1) (d) of Prevention of Corruption Act, registered at Police Station City Mandi Dabwali, District Sirsa.

Allegations in a nutshell against the present petitioner as also co-accused are with regard to embezzlement and misappropriation of funds during the course of construction of four streets on the Mandi Dabwali Road. The precise accusation against the present petitioner who was serving at the relevant point of time as the Municipal Engineer is that he had recorded false and incorrect entries in the measurement book to favour the contractor and in the process excess funds have been drawn from the account of the public exchequer and which is public money.

During the course of arguments, it has gone uncontroverted that Satpal Junior Engineer, co-accused and who had endorsed the entries made by the present petitioner in the measurement book has already been granted the concession of anticipatory bail. It has further been brought to the notice of this Court that in pursuance to the interim direction granted by this Court in the light of order dated 13.12.2016 while issuing notice of motion in the instant petition, the petitioner has already joined investigation.

That apart all the relevant records are already in possession of the investigating agency.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 13.12.2016, passed by this Court, is made absolute.

Petition disposed of.

19.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes