



Rashtriya Madhyamik Sikhia Abhiyan Scheme the construction of one Art & Craft Room each in 454 schools across the 9 districts of the State was taken over by the Construction Wing of the Punjab School Education Board. Precise accusation is that large scale administrative and financial irregularities were committed.

Petitioners in these three connected petitions seeking concession of pre-arrest bail are the Chief Engineer, Sub Divisional Engineer and Junior Engineer in the Engineering Wing of the Punjab School Education Board.

On 21.12.2016, while issuing notice of motion in CRM No. M-45610 of 2016, the following order was passed by this Court:-

*“Petitioner is working as J.E. Punjab, School Education Board.*

*In the complaint filed by the State Board, allegations have been levelled that the petitioner along with others had entrusted the construction work of 454 rooms to M/s.Rajneesh Singh Contractor who committed irregularities all over Punjab in raising construction.*

*Counsel for the petitioner submits that only allegation against the petitioner is negligence in supervision of the construction work in the capacity as J.E.*

*Notice to the Advocate General, Punjab, for 14.2.2017.*

*Meanwhile, an interim direction is issued that the petitioner will join investigation on or before 7.1.2017. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.”*

Likewise, order dated 27.1.2017, passed in CRM No. M-720 of 2017 reads in the following terms:-

*“Petitioner seeks concession of pre-arrest bail in*

*CRM No. M- 45610 of 2016 (O&M) -3-*

*case FIR No.97, dated 27.11.2016, under Sections 420/465/466/467/468/471/477/ 477-A/120-B IPC and Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act, registered at Police Station Phase VIII, SAS Nagar.*

*FIR in question has been registered in pursuance to a communication of the Secretary, Punjab School Education Board. The petitioner is a Sub Divisional Officer (Civil) in the Engineering Department of the Punjab School Education Board.*

*It so transpires that under the Rashtriya Madhmic Sikhiya Abhiyan Scheme, the work of construction of one Art and Craft room each in 454 schools across 9 districts of the State of Punjab had been taken over by the Construction Wing of the Punjab School Education Board.*

*Allegations in a nutshell are with regard to administrative and financial irregularities having been committed in such project and whereby the contractor having been unduly favoured and the state exchequer being burdened unduly.*

*Learned counsel appearing for the petitioner submits that a Committee headed by Sh. Manmohan Singh, IAS (retired) as also members Sh. R.K. Rai, Executive Engineer, Punjab University Chandigarh and Sh. Manjit Singh, Executive Engineer, Punjabi University, Patiala had been constituted to conduct a fact finding inquiry in the matter. Counsel has adverted to the report dated 14.12.2015 at Annexure P-5 furnished by the Committee and contends that the allocation of the work in favour of the contractor i.e. M/s Rajnish Singh was done at the hands of a tendering committee and of which the present petitioner was not even a member. Further argued that the petitioner had no role insofar as the release of mobilization advance to the contractor firm as also the extension for completion of work that had been granted.*

*This Court has perused the report dated 14.12.2015 of the Committee and placed on record at*

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*Annexure P-5. The report does prima facie indicate that insofar as the e-tendering policy of the State Government having not been followed while awarding the work to the Contractor, release of mobilization advance as also extensions of time having been granted periodically, the present petitioner would have no role to play. However, there are allegations as regards the contractor having been released payments of Rs.19 crores approximately without actual verification of the work at the spot. In the report furnished by the fact finding Committee, the complicity of the present petitioner is indicated at the stage when entries were to be made in the Measurement Books as regards the actual construction indicated on the site and which were within the scope of work and duties of the S.D.O. and J.Es. The payment of the running bills of the contractor have been released on the basis of entries made in such Measurement Books. The Committee concluded that the present petitioner had admitted that the entries were made in the Standard Measurement Books on the basis of telephonic inputs from the J.Es. on the spot.*

*In the considered view of this Court, such a course of action would certainly be construed as a lapse. Yet the committee itself has noticed that there was only one SDO (Civil) on the regular staff of the Punjab School Education Board and since the work was spread over 454 schools across 9 districts in the State of Punjab, situation had necessitated the engaging of J.Es. on muster roll. This would to some measure and extent explain the manner adopted by the petitioner as regards entries in the Standard Measurement Books are concerned. Be that as it may, it has not been disputed that the entire record is already in possession of the Investigating Agency. Court has also been informed that a Special Investigation Team (SIT) already stands constituted to carry out a thorough and deep probe against the backdrop of the allegations.*

*Under such circumstances, I am of the considered*

*CRM No. M- 45610 of 2016 (O&M) -5-*

*view that the petitioner be afforded a chance to join investigation.*

*List on 21.03.2017.*

*In the meanwhile, petitioner is directed to appear before the 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.”*

Similarly, while issuing notice of motion on 2.2.2017, the following order was passed in CRM No. M-3226 of 2017:-

*“Petitioner seeks concession of pre-arrest bail in case FIR No.97, dated 27.11.2016, under Sections 420/465/466/467/468/471/477- A/120-B IPC and Sections 13 (1)(d) and 13(2) of the Prevention of Corruption Act, registered at Police Station Phase-8, District Mohali.*

*FIR in question has been registered in pursuance to a communicated of the Secretary, Punjab School Education Board. It so transpires that under the Rashtriya Madhmik Shikhiya Abhiyan Scheme, the work of construction of one Art and Craft room each in 454 schools across 9 districts of the State of Punjab had been entrusted to the construction wing of the Punjab School Education Board.*

*Allegations in a nutshell are with regard to administrative and financial irregularities having been committed in such project and whereby the contractor who had been awarded the work was unduly favoured and the state exchequer being burdened unduly.*

*Learned counsel appearing for the petitioner would inter alia contend that the petitioner had been associated with such project for a period of four months only in the capacity of Chief Engineer i.e. upto October, 2013 and*

*CRM No. M- 45610 of 2016 (O&M) -6-*

*thereafter he had been posted out as Secretary of the Punjab School Education Board. It is contended that for a period of almost 38 months thereafter the project had continued and whereby the contractor had been granted a number of extensions in which the petitioner had no role to play whatsoever. Counsel has also adverted to an order dated 27.01.2017 passed by this Court in CRM-M-720-2017 filed by co-accused Ranjit Singh and whereby while granting interim protection as regards arrest, it had been noticed that a Special Investigatoin Team (SIT) already stands constituted to carry out a thorough and deep probe in the mater. Counsel submits that the petitioner even after joining on the post of Secretary in the Education Board is currently under suspension and as such would not be in a position to interfere and hamper the course of investigation.*

*Notice of motion, returnable for 21.03.2017.*

*To be listed along with CRM-M-720-2017.*

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

*In the event of arrest, the petitioner shall be released on interim bail subject to 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 upon instructions from ASI Jagir Singh would apprise the Court that the petitioners in these connected petitions have since joined investigation twice over. A Special Investigation Team headed by S.P., City Mohali is stated to have been constituted and which is seized of the matter. The petitioners in these three connected petitions are stated to have even cooperated and joined the investigation process before the S.I.T as well.

Under such circumstances, custodial interrogation of the petitioners herein in these three connected petitions would not be warranted.

Accordingly, all these three petitions are allowed. Orders dated 21.12.2016, passed in CRM No. M-45610 of 2016, dated 27.1.2017, passed in CRM No. M-720 of 2017 and order dated 2.2.2017, passed in CRM No. M-3226 of 2017, are made absolute.

Petitions are disposed of.

(TEJINDER SINGH DHINDSA)

JUDGE

05.05.2017

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Whether speaking/reasoned: Yes

Whether Reportable: No