

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14195-2018(O&M)
Date of Decision: 06.04.2018

Nikhil Kumar Sharma & another

--Petitioners

Versus

State of Punjab

--Respondent

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

Present:- Mr. Karanjit Singh, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

Instant petition has been filed under Section 438 Cr.P.C seeking concession of pre-arrest bail to the petitioners in case FIR No.75 dated 17.2.2018 under sections 409, 420, 466, 467, 468, 471, 167, 120-B I.P.C, sections 7 and 13 of Prevention of Corruption Act, registered at Police Station, Civil Lines, Amritsar, District Amritsar.

Counsel for the petitioners has been heard at length.

Petitioner no.2 namely Naresh Kumar Sharma is stated to be serving as an Assistant Engineer under Amritsar Development Authority. Petitioner no.1 Nikhil Kumar Sharma is son of petitioner no.2 and who has worked under the Authority on a contractual basis as a Data Entry Operator.

Precise allegations are that N.O.Cs in different unauthorized colonies have been issued by petitioner no.2 and in connivance with his son. Such N.O.Cs are stated to have been issued at New Urban Estate, Ram Tirath Road and Kodal Enclave, Village Sherpur, District Gurdaspur. FIR would reveal the details of the beneficiaries of such N.O.Cs and which number 140 approximately.

Counsel for the petitioners would vehemently contend that no N.O.C was issued under the signatures of petitioner no.2 and there would be no record in the office to substantiate such allegation.

The stand taken on behalf of the petitioners does not inspire confidence and cannot be accepted, at this stage.

Counsel, during the course of arguments, has clarified that the N.O.Cs finding a mention in the FIR form the bedrock of the allegations, were for purposes of facilitating change of ownership and execution of sale deeds from the hands of the original owners and to the prospective purchasers.

Petitioner no.2 in his capacity of Assistant Engineer with the Authority would certainly be aware of any unauthorized construction/additions carried out within the premises of the colony in question. On a pointed query having been put to the counsel as to whether during the course of discharge of his duties, petitioner no.2 had ever brought to the notice of his superior authorities as regards any unauthorized constructions having been effected, the response has been in the negative.

The matter apparently is at a stage of crucial investigation. The authority prior to having the FIR registered, has undertaken the exercise of appointing an official of the rank of Divisional Engineer of the Authority to conduct an inquiry and in which findings have been returned against petitioner no.2 as also his son i.e. petitioner no.1. In the inquiry a finding has also come that both the petitioners have acted in connivance with each other and by colluding with certain colonizers.

The allegations contained in the FIR are serious in nature. It is a matter which would require a deep and thorough probe and may well

entail even custodial interrogation of the petitioners.

In an overview of the matter, this Court is not inclined to insulate the petitioners with the protection of pre-arrest bail.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

06.04.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No