

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

(i) CRM No.M-15271 of 2018 (O&M)

Maninder Singh
...Petitioner

VERSUS

State of Punjab
...Respondent

(ii) CRM No.M-19592 of 2018 (O&M)

Kulwant Singh
...Petitioner

VERSUS

State of Punjab
...Respondent

(iii) CRM No.M-21800 of 2018 (O&M)

Jaswinder Singh
...Petitioner

VERSUS

State of Punjab
...Respondent

(iv) CRM No.M-16284 of 2018 (O&M)

Gursharan Singh
...Petitioner

VERSUS

State of Punjab
...Respondent

Date of Decision: July 25, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vikas Chatrath, Advocate
for the petitioner (in CRM No.M-15271 of 2018).

Mr.Vikas Cuccria, Advocate
for the petitioners (in CRMs No.M-16284, 19592
and 21800 of 2018).

Ms.Monika Jalota, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

All the above-mentioned cases are taken up together as these
have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.3 dated 01.03.2018 under
Sections 406, 409, 420, 467, 468, 471, 120-B IPC and Section 13(1) (d)
read with Section 13(2) of Prevention of Corruption Act, registered at
Police Station Vigilance Bureau, Phase-I, Mohali.

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

I have heard learned counsel for the petitioners as well as
learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been
registered by the police station Vigilance Bureau, Phase-I, Mohali and it
was found during investigation of another case bearing FIR No.10 dated
17.08.2017 that during year 2010-11, for work amounting to
₹14,58,45,090/- regarding upgradation and restoration from Burji (RD)

Superintending Engineer, Irinderpal Singh Walia, Executive Engineer, Kamikar Singh Deol (all retired), petitioners Gursharan Singh, SDO, (Retd.) Maninder Singh, Accountant, Jaswinder Singh, JE, Kulwant Singh, JE (Retd.) and others, in connivance with Gurinder Singh, Contractor, have caused great financial loss to the government and have got benefits for themselves. They have defrauded the government since without getting any work done from the contractor or by making excess payment as compared to the work done by Gurinder Singh, contractor, fabricated entries were made in the measurement book. They have not verified any work done at the spot. They increased the original estimate from ₹8,29,29,011/- to ₹14,58,45,990/- without any requirement at the site. It is also stated that by tampering with the record and without verifying the work shown in it, excess payment of ₹4,60,56,399/- has been made fraudulently. Out of it, payment of ₹2,01,60,478/- has been made to Gurinder Singh, contractor without making any entry in the measurement book. For work, which was not done and regarding which no entry has been made, payment of more than ₹2 crore has been made to Gurinder Singh under a well planned conspiracy. It is also in the FIR that no such excess work had been carried out on the spot which required excess payment. It is specifically stated in the FIR that Maninder Singh, Accountant, had checked the entries in the measurement books regarding pre-audited bills regarding the work done. Jaswinder Singh, JE, Kulwant Singh, JE etc., did not make entries as per original work done on the spot and forged the entries to show increase volume of work executed along with other officials/employees of Irrigation Department. It is also in the FIR that Gursharan Singh, SDO, had prepared the bills regarding work done at the spot.

The perusal of the FIR shows that all these petitioners are named in the FIR. Specific and serious allegations have been levelled against them that they have connived with each other and in connivance with contractor, they have made excess payments without verifying the work done at the spot and there are also allegations that they have forged the entries.

Keeping in view the serious allegations against the petitioners, nature and gravity of the offence, I do not find it a fit case where petitioners are entitled to benefit of anticipatory bail. The petitioners are required for custodial interrogation.

Therefore, finding no merit in all the petitions, the same are dismissed. The order granting interim bail to the petitioners stand vacated.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 25, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No