

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

CRM No.M-16871 of 2018 (O&M)
Date of Decision: July 09, 2018

Gurdev Singh Syan

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vikram Chaudhari, Senior Advocate with
Ms.Isha Goyal, Advocate
for the petitioner.

INDERJIT SINGH, J.

CRM No.22499 of 2018

The application is allowed, subject to all just exceptions.

Annexures P-6 to P-15 are taken on record.

CRM No.M-16871 of 2018

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.10 dated 17.08.2017 under Sections 406, 409, 420, 467, 468, 471, 477-A, 201, 120-B IPC and Section 13 (1) (d) read with Section 13(2) of the Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Flying Squad-I, Punjab, Mohali.

Notice of motion

Mr.Ramandeep Sandhu, Sr. DAG, Punjab, has put in

appearance on behalf of the respondent-State and contested the petition.

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

From the record, I find that during Vigilance Enquiry No.15 against M/s Gurinder Singh, contractor, it was found that during past 7-8 years, the higher authorities of Punjab Government and Engineers from Irrigation Department, by misusing their posts and in connivance with M/s Gurinder Singh, contractor, are misinterpreting the rules, ignoring the secrecy of e-tendering, tailor-made the terms and conditions of tender, minimizing the competition by adopting tactics i.e. clubbing the minor works, providing the secret information of department to M/s Gurinder Singh and allocated the work worth ₹1000 crore of Irrigation Department to alone M/s Gurinder Singh, contractor, on the rates more than 50% than the departmental rates. It is further in the FIR that main motive of e-tendering was to maintain mutual secrecy of department and bidders but the officers of department, hatched conspiracy with M/s Gurinder Singh and made pre-Bid meeting essential for allocation of major job works, so that all the bidders in field may introduce each other and their mutual deals may be got struck down and job work may be allocated to M/s Gurinder Singh on desired rates. Further, the rules were violated in order to sideline other A-1 class contractors from competition to get the work and tender. Terms and conditions were tailor-made by keeping in view the experience and annual turn over, by which, all major contractors of department, except M/s Gurinder Singh, made technically ineligible to submit bids for getting work.

Learned counsel for the petitioner submitted that no illegality has been committed as tenders were given as per rates and the decisions for

clubbing minor works with major works were taken at the highest level by

the Government. Therefore, he argued that present petitioner has been falsely implicated in the present case.

On the other hand, learned State counsel argued that present petitioner, has now retired as Chief Engineer. Some months earlier, he has approved the rates at much less price but after 7-8 months, he gave/approved the price almost at double rates etc.

Keeping in view the serious allegations against the petitioner, nature and gravity of the offence and that a huge loss has been caused to the State Exchequer and tenders of about ₹1000 crores were given to one person by adopting illegal means to benefit themselves as well as contractor, I do not find it a fit case, where petitioner is entitled to benefit of regular bail.

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

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

July 09, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No