

CRM-M-26557-2018

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

CRM-M-26557-2018

Date of Decision:04.07.2018

Davinder Singh Kohli

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vikas Cuccria, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Davinder Singh Kohli has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.03 dated dated 01.03.2018, registered by Vigilance Department, Crime Branch, Phase- I, Mohali, under Sections 406, 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code read with Sections 13(1)d read with Section 13(2) of the Corruption Act, 1988.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

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

CRM-M-26557-2018

From the record, I find that it was found in the investigation of FIR No.10 dated 18.08.2017 that during the year 2010-11, the work of upgradation and restoration of RD 0 to 18300 meter of Kandi Canal Stage-1, amounting to ₹14,48,45,090/- was executed by present petitioner- Devinder Singh Kohli, Superintending Engineer (now retired) and other co-accused and they gave the undue benefit to Gurinder Singh Contractor and for their own benefits, caused huge loss to the government. During the execution of work of upgradation and restoration in the year 2010-11, these persons caused a heavy financial loss to the Government by fraud and without doing the work at site and also made excess payments of his work done. Fraudulent entries were made in the MBs which do not tally with the entries of the work at site. Despite this, the estimated amount was increased from ₹8,29,29,011/- to ₹14,84,45,990/- without any ground. Payment of ₹4,60,56,399/- was made as excess by changing the record and without identification of work executed at the site. Other serious allegations are also levelled in the FIR.

At the time of arguments, learned counsel for the petitioner argued that the petitioner was not supposed to measure the work at site, it was not his job. He also submitted that record is already there with the Vigilance Department and, therefore, nothing is to be recovered from the petitioner. He further submitted that the petitioner was not responsible for any such lapses as he was only a rubber stamp.

On the other hand, learned State counsel argued that the petitioner is in USA and has not returned to India. He further argued that the supervisory powers were with the petitioner and he connived with other

CRM-M-26557-2018

accused and took illegal benefits for himself and also gave benefits to the contractors without seeing the actual work done on the spot as well as by wrongly increasing the estimates etc. and making excess payments and thereby caused huge loss to the Government.

Keeping in view the facts and circumstances of the present case, I do not agree with the submissions made by learned counsel for the petitioner that the petitioner who was posted as Superintending Engineer at the relevant time(now retired), was a rubber stamp and was not to supervise or make checks.

In view of the nature and gravity of the offence, I do not find it a fit case where the petitioner is entitled to the benefit of anticipatory bail.

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

04.07.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No