

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

CRM No.M-28307 of 2018 (O&M)
Date of Decision: July 17, 2018

Nijesh Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.K.Garg Narwana, Senior Advocate with
Mr.Naveen Gupta, Advocate
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.48 dated 09.03.2017 under Sections 409, 420, 467, 468, 471 IPC and Section 13(c) of the Prevention of Corruption Act, registered at Police Station Uchana, District Jind.

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

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

As per the allegations in the FIR, no development work has been executed and even some works have not been completed but the payment of ₹2.50 crores has been made for those works without monitoring the same. It is also stated that many streets have not been constructed on the

spot. The perusal of the record shows that present petitioner is Municipal

Engineer and payment has been released under his signatures. If, on the spot, no work has been done, then it was duty of the present petitioner to satisfy himself as to whether the work is complete or whether any work has been done on the spot or not. Learned counsel for the petitioner contended that petitioner was given additional charge and he was Municipal Engineer of three Municipal Committees. This is no ground to release the money without checking the work at the spot. It clearly shows that petitioner has not monitored the work nor he tried to satisfy himself whether any ground work has been done by the contractor or not.

In view of the above discussion, I find that a huge loss has been caused to the Municipal Committee. Further, a detailed enquiry was conducted and it was found that so many works have not been done on the spot or so many works have been completed 7-8 years earlier and some works have not been completed but payment has been made.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that petitioner is required for custodial interrogation and no ground is made out for grant of benefit of anticipatory bail to the petitioner.

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 17, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No