

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision:24.08.2018

1. CRM-M-30946-2018

Sat Paul

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M-30950-2018

Onkar Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

AND

3. CRM-M-31549-2018

Babu Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. R.S. Manhas, Advocate for the petitioner(s).

Ms. Monika Jalota, DAG, Punjab.

Inderjit Singh, J.(Oral)

This order shall dispose of 3 connected cases i.e CRM-M-30946-2018, filed by petitioner-Sat Paul, CRM-M-30950-2018, filed by petitioner-Onkar Singh & another and CRM-M-31549-2018 filed by petitioner-Babu Ram under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.30 dated 20.09.2016, registered at Police Station Vigilance Bureau, Amritsar, District Amritsar, under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code and Section 13(i) read with Section 13(2) of the Prevention of Corruption Act, 1988.

Notice of motion was issued in all these petitions.

Learned State counsel put in appearance on behalf of the respondent-State and contested these petitions.

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

As per version of the prosecution in the FIR, while constructing Ranjit Sagar Dam, some of the persons got the appointments by furnishing forged certificates under the displacement policy. Earlier, FIR was registered, trial was conducted and accused were convicted vide judgment dated 06.08.2015. In that judgment, observation was made that the Vigilance Department is to further make the inquiry. There is further allegation that the learned Additional Sessions Judge had further passed the order, later on that fresh investigation be conducted. Sat Paul is stated to be Patwari, Onkar Singh and Joginder Singh are stated to be the beneficiaries and Babu Ram was Land Acquisition Officer at that time. The matter relates to about 23 years back and appointments were given in the year 1995 to 1998.

Learned counsel for the petitioners states that while conducting the inquiry, proper facts had not been considered and the certificates had been given under the scheme, as per rule.

In pursuance of the interim orders dated 24.07.2018 and 27.07.2018 passed in CRM-M-30946-2018, CRM-M-30950-2018, and CRM-M-31549-2018 respectively by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Nothing is to be recovered from them. No useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present cases; without discussing the facts of the cases in minute details and without expressing any opinion on the merits of the cases, I find merit in all these petitions and the same are allowed. The orders dated 24.07.2018 and 27.07.2018 granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

24.08.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No