IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-31084 of 2018 (O&M)
Date of Decision: August 20, 2018

Dial Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Rai, Senior Advocate with
Mr.S.P.S.Aulakh, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

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INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.07 dated 30.06.2018 under Section 13(1)(d)(e) read with Section 13(2) of Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Flying Squad at Mohali.

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.

From the record, I find that FIR has been registered against the present petitioner, who was Ex-Sarpanch of village Kolianwali and the allegation against him has been levelled for making/possessing property more than his financial sources. It is also in the FIR that by misusing his powers, he mis-utilized the government vehicles and in connivance with government officers, has earned huge amount by getting transfers/postings of the officials and as such, amount has been collected with the help of illegal elements. There is also allegation that he has earned/made moveable and immovable properties of crores of rupees illegally in a very short period than his disclosed sources and by doing this, accused Dial Singh, as Ex-Sarpanch, Ex-Member under Service Selection Board, Punjab and Ex-Chairman, Punjab Agro Industries Corporation Limited, has committed offence under Section 13(1)(d)(e) read with Section 13(2) of the Prevention of Corruption Act.

As per the chart, which is also placed on record, total income of the petitioner was ₹2,39,42,854/- during the check period from 01.04.2009 to 31.03.2014 and he spent ₹4,10,63,158/- and excess amount incurred by the petitioner is ₹1,71,20,304/-. Some of the entries have been explained by learned counsel for the petitioner. Amount of more than ₹40 lakhs was stated to be spent on purchase of vehicle by the son of the petitioner. Learned counsel for the petitioner has produced the document to show that money was transferred into the account of petitioner's son by his in-laws one month before the marriage of son of the petitioner, which is a documentary record. Learned counsel for the petitioner also explained 2-3 entries regarding loan raised by the petitioner from the bank. Learned State counsel fairly admitted regarding entries and submitted that these entries will be enquired into and taken into account but learned State counsel argued that even if these entries are treated as explained, even then, the excess amount spent comes to about ₹1 crore.

Learned counsel for the petitioner relied upon the calculation in the Valuation Report done by Income Tax department showing that amount spent on the house is more than ₹1.20 crores. This assessment has been given by petitioner himself. Learned counsel for the petitioner relied upon this Valuation Report. The perusal of the record shows that this Valuation Report was given at the instance of petitioner at the time of raid, which is stated to be of 25.01.2012. In this assessment, the petitioner himself has given amount as ₹25,00,000/- each spent in the financial year 2007-08 and 2008-09. Similarly, ₹20,00,000/- is stated to be spent in the financial year 2005-06, ₹15,00,000/- in the financial year 2006-07. No income tax returns have been shown filed before the raid by the present petitioner showing these expenditures as well as income. During check period, only about ₹22 lakhs has been shown as spent on the house.

Learned State counsel argued that the statement of the Patwari has been recorded in this case, who has stated that during the check period, the petitioner has purchased 66 kanals 5 marlas land and has not sold any land. He also stated that the revenue record has also been collected. Earlier, house was not constructed and it was constructed after 2009 as per revenue record and also as per spot. Learned counsel for the petitioner, on this fact, has stated that earlier, there was a house, which was upgraded. Even if it is taken so, learned counsel for the petitioner, prima facie, has not shown/explained the income and huge amount, which has been spent during the check period.

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

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. Whatever stated above, is only for the purpose of disposal of anticipatory bail petition.

August 20, 2018 **(INDERJIT SINGH)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **No**