

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33649-2017(O&M)

Date of Decision: 02.05.2018

Harjinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Jaspreet Kaur, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case FIR No.13 dated 8.8.2017, registered under Sections 409, 420, 467, 468, 471, 201, 120-B of Indian Penal Code, 1860 and 13(1(D) read with 13(2) of the Prevention of Corruption Act, 1988, at Police Station Vigilance Bureau, Amritsar District Amritsar.

Briefly noticed, allegation as regards the present petitioner is that a work order for construction of a bridge was allotted through tender to M/s Balaji Builders for Rs.1,70,00,000/- approximately and allegations that have surfaced are that the petitioner while serving as S.D.O with the P.W.D (B&R) Department in connivance with other officials had passed the first running bill of the contractor on the basis of certain entries made in the measurement book. The amount passed and released to the contractor was of Rs.56,47,841/- whereas actual work at the site was quantified to be Rs.48,97,036/-. In a nutshell allegation is that an excessive payment of Rs.7,50,805/- had been made over to M/s Balaji Builders on the basis of

wrong reports and measurements and in which present petitioner had also played a role.

On 12.9.2017 the following order was passed by this Court:-

“Heard Learned counsel for the petitioner.

Learned counsel for the petitioner makes a statement, on instructions, that the petitioner would deposit Rs.2.50 lacs towards his alleged liability. In that point of view, Notice of motion to the respondent-State returnable on 31.10.2017.

In the meanwhile, in the event of arrest, petitioner shall be released on ad-interim anticipatory bail in FIR No.13 dated 8.8.2017, registered under Sections 409, 420, 467, 468, 471, 201, 120-B of Indian Penal Code, 1860 and 13(1(D) read with 13(2) of the Prevention of Corruption Act, 1988, at Police Station Vigilance Bureau, Amritsar District Amritsar, on furnishing of his bail bond amounting to Rs.10,000/- with one surety of like amount to the satisfaction of the arresting officer. He shall, however, join the investigation and fully cooperate with the Investigating Officer.

Amount of Rs.2.50 lacs be deposited with the trial court, disposal of which shall take place at the time of final decision of the trial.”

Counsel for the petitioner would submit that the amount of Rs.2.5 lacs has been deposited with the Trial Court. It is his submission that such amount of Rs.2.5 lacs was fastened upon the petitioner subject to the final outcome of the trial on the basis that there were three officials involved i.e. the Executive Engineer, the S.D.O as also the J.E and accordingly the total amount of Rs.7.5 lacs had been bifurcated accordingly.

Learned State counsel upon instructions from Dy.S.P. Navjot Singh would apprise the Court that the petitioner has since joined investigation.

Counsel for the petitioner has even adverted to the affidavit of the Dy.S.P., Vigilance Bureau Range Amritsar filed and placed on record and in which it has been categorically deposed that during the course of investigation role of the petitioner was found in releasing excess payment of Rs.7,50,805/- and thereafter work had been transferred to one Parminder Singh Tiwana, S.E and as such no further role of the petitioner was found as regards release of payment of Rs.1,07,10,948/- to the contractor.

In view of such categoric stand taken on behalf of the State and the petitioner having joined investigation, prayer made in the instant petition is accepted. The order dated 12.9.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.05.2018

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No