

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

**CRM No.31739 of 2018 in/and
CRM No.M-35624 of 2018 (O&M)
Date of Decision: September 12, 2018**

Jatinder Sharma

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vinod Ghai, Senior Advocate with
Mr.J.S.Mehndiratta, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

CRM No.31739 of 2018

The application is allowed, subject to all just exceptions.

Annexures P-12 to P-15 are taken on record.

CRM No.M-35624 of 2018

Petitioner has filed this petition under Section 438 Cr.P.C. for
grant of anticipatory bail in case FIR No.11 dated 28.05.2018 under
Sections 120, 409, 465, 467, 468, 471 IPC and Section 13(1)(d) read with
Section 13(2) of Prevention of Corruption Act, registered at Police Station

Vigilance Bureau Range, Amritsar.

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 as per FIR, which was got registered after enquiry against Jatinder Singh, Executive Engineer, City Improvement Trust and others, it was found during investigation that from City Improvement Trust from 01.04.2015 to 31.03.2016 for publishing advertisement from various different agencies of Print and Media, a total amount of ₹4,96,42,425/- has been incurred. From 02.07.2015 to 07.09.2015 and from 21.09.2015 to 03.02.2016, accused Jatinder Singh was working as Executive Officer. During his tenure, accused-petitioner Jatinder Sharma, owner of Sri Sai Advertiser Agency, Arvind Sharma, Executive Officer, Vipin Kumar, Assistant Trust Engineer and Vishal Sharma, Superintendent/Accountant City Improvement Trust, in connivance with each other, have embezzled an amount of ₹15,87,572/- towards newspaper advertisements and ₹1,31,70,760/- towards electronic media advertisement and in total ₹1,47,58,332/- by giving work on higher rates.

Similarly, J.K. Advertisers Agency and Media Advertiser have been allotted work. As per the allegations, J.K. Advertisers Agency was given work on higher rates and amount of ₹37,81,932/- for newspaper advertisement and ₹10,65,000/- without any work, on the basis of bills was given and bills for ₹34,12,540/- were not available on record and total amount comes to ₹82,59,472/-. Similarly, Media Advertiser Agency was

given work on higher rates and amount of ₹34,78,650/- for newspaper

advertisement has been given and ₹64,81,100/- was given without any work done, only on the basis of bills. Similar are the allegations against other advertising agencies etc. that the payments were made on fake bills.

In the reply filed by the State, all these allegations have been reiterated and all this has been done in connivance with present petitioner. There are allegations that Sri Sai Advertisers Agency has been paid ₹34,12,540/- regarding which, no bills were presented. ₹37,81,932/- was paid for publication through newspaper and ₹10,65,000/- was paid on the basis of bills without any work.

At the time of arguments, learned counsel for the petitioner argued that some of the bills have not been correctly mentioned against co-accused. Learned State counsel contended that present petitioner is required for custodial interrogation and documents are yet to be recovered from him. He argued that present petitioner is owner of Sri Sai Advertiser Agency and serious allegations have been levelled against him. As investigation is still going on against present petitioner, therefore, after custodial interrogation of the petitioner, true facts will come to the notice of the prosecution and if there will be any document etc. that will be seen before presentation of challan against him but from the record, it is clear that it is a big scam and Fastway (Cable TV Operator) has given in writing that they have not published any advertisement on their channels.

Keeping in view the facts and circumstances of the present case and in view of the serious allegations against the petitioner, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that petitioner is required for custodial

him.

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

September 12, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No