

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

(i) CRM No.M-48724 of 2017 (O&M)

Parminder Singh Tiwana

...Petitioner

VERSUS

State of Punjab

...Respondent

(ii) CRM No.M-14247 of 2018 (O&M)

Kamaljit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision: September 13, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Pankaj Bhardwaj, Advocate
for the petitioner (in CRM No.M-48724 of 2017).

Mr.P.S.Ahluwalia, Advocate
for the petitioner (in CRM No.M-14247 of 2018).

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

INDERJIT SINGH, J.

CRM No.14255 of 2018 in CRM No.M-48724 of 2017

The application is allowed, subject to all just exceptions.

Annexures A-1 and A-2 are taken on record.

CRM No.31686 of 2018 in CRM No.M-48724 of 2017

The application is allowed, subject to all just exceptions.

Annexures A-1 to A-6 are taken on record.

Main cases

Both the above-mentioned cases are taken up together as these have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.13 dated 08.08.2017 under Sections 409, 420, 467, 468, 471, 201, 120-B IPC and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Amritsar.

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

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

From the record, I find that as per the allegations in the FIR, work of construction of bridge over UBDC Canal at Village Babehalli, District Gurdaspur was given through tender to M/s Balajit Builders for ₹1,69,69,669/- on 15.07.2015 and the work was to be completed within six months. The construction work got started by Sukhdev Singh, Executive Engineer, Harjinder Singh, SDO and Kamaljit Singh, JE and aforesaid officers passed a running bill of ₹56,47,841/- on the basis of measurement book (MB) No.2410/291 page 132-137 and made payment of the same to the contractor. However, it was found that work of ₹7,50,805/- was less completed. Thereafter, work of construction of bridge was transferred by Parminder Singh Tiwana vide office order dated 18.10.2016 to Executive Engineer, Construction Circle, PWD, Batala and charge of the same was with Parminder Singh Tiwana. It is also in the FIR that Kamaljit Singh, JE,

work by showing entries in MB No.2489/340, prepared bill of ₹1,07,10,948/-. Harbhajan Singh, Junior Assistant, conducted pre-audit of the same and he signed below the rubber stamp of Executive Engineer. On this MB, Parminder Singh intentionally did not sign and got issued payment of ₹1,07,10,948/- to the contractor and same has not been mentioned by the accountant in the vouchers sent to Accountant General, Punjab. In the cash book of PWD, Batala, this payment has been shown towards bridge and Parminder Singh Tiwana has signed the same. In this way, total payment for the bridge has been made of ₹1,68,58,789/-, whereas as per report of Technical Team of Vigilance Bureau, the construction of bridge is only worth ₹48,97,036/- It is further in the FIR that when this fact came to the notice that payment of the bridge has been made without any actual construction, then Parminder Singh Tiwana, got prepared one more MB No.2454/335 from Kamaljit Singh, JE and showed the amount of ₹1,07,10,948/-, which was equal to earlier bill, towards meritorious school in a wrong manner from the funds allotted for construction of meritorious school and bridge. If the construction of the school was made from the funds allotted for UBDC bridge, then MB could not have been filled for construction of the bridge. It is the allegation that Parminder Singh Tiwana, Executive Engineer, now Superintending Engineer, has got interpolation done in the record/measurement book through Kamaljit Singh, JE.

At the time of arguments, learned counsel for the petitioner Parminder Singh Tiwana argued that alleged amount has been paid for the construction of meritorious school and relied upon the documents regarding payment and construction of meritorious school.

Learned counsel for the petitioner Kamaljit Singh argued that

Kamaljit Singh is to prepare MB and if the bills have been paid from other funds regarding construction of bridge, he is not liable for that. Only, senior officers are responsible.

On the other hand, learned State counsel argued that two measurement books have been prepared. Measurement book, signed by the officers is regarding construction of bridge. When this fact regarding the enquiry came to the notice, then those measurement book entries were cancelled by putting 'X' and fresh entries in the second MB qua same has been made show regarding construction of meritorious school. Learned State counsel argued that there are so many documents to show the interpolation by both these officers/officials.

Otherwise also, learned counsel for petitioner Parminder Singh Tiwana, failed to show any reason or ground for transferring the work of construction of bridge from Gurdaspur to Batala, where he was Incharge, Executive Engineer.

Keeping in view the facts and circumstances of the present case, in view of the serious allegations against the petitioners, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that petitioners are required for custodial interrogation and no ground is made out for grant of anticipatory bail to them.

Therefore, finding no merit in both the petitions, the same are dismissed.

September 13, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No