

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5290-2018 (O&M)
Date of Decision: 18.04.2018

Rohit Kumar & another

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. J.S. Gill, Advocate for the petitioners.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioners seek benefit of regular bail in case F.I.R. No.279 dated 05.10.2015 under sections 420, 465, 467, 468, 471, 409 I.P.C and sections 7, 13 of Prevention of Corruption Act, registered at Police Station, Kallanwali, District Sirsa.

Learned counsel for the parties have been heard.

FIR has been registered on the basis of intimation from the Executive Engineer, Operation Division, Dabwali of the D.H.B.V.N. Ltd. wherein during the course of a special audit in Kallanwali sub division it surfaced that the S.D.O namely Pankaj Ganda and two Junior Engineers namely Janta Singh and Balkaran Singh had embezzled money on the pretext of giving Tube Well connections under a Self Execution Scheme. Such connections are stated to have been given in a fraudulent manner and by preparing forged documents. Further allegations are that even allocation of material and transformers etc. was done fraudulently.

In so far as the present petitioners are concerned, they were stated to be conduits, who collected money from the consumers i.e. Rs.13,76,000/- approximately from 10 consumers by petitioner no.1 and

Rs.5,81,000/- from 5 consumers by petitioner no.2. As per prosecution version, such money was passed on to the co-accused and other officials of the D.H.B.V.N. Ltd. i.e. Pankaj Ganda, Janta Singh and Balkaran Singh and the petitioners themselves having pocketed the commission @ Rs.1,000/- from each consumer.

Petitioners were arrested on 14.12.2017.

Investigation in the case is complete and even the challan qua the petitioners has been presented. Co-accused Janta Singh and Balkaran Singh have been granted benefit of bail. Pankaj Ganda the S.D.O has been granted benefit of bail on account of non-submission of the challan document between the stipulated statutory time frame.

It is not the case made out on behalf of the State that the petitioners, if, granted benefit of bail would be in a position to hamper the course of a free and fair trial.

In the considered view of the Court, no useful purpose would be served by keeping the petitioners in custody till the culmination of the trial.

Without making any observations on merits and keeping in the view the length of incarceration already suffered by the petitioners, present petition is allowed. Petitioners be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

18.04.2018
lucky

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